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Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Report of the Secretary-General

Summary

The present report is submitted pursuant to the request of the General Assembly in its resolution 71/144. Nineteen Member States and the International Committee of the Red Cross transmitted to the Secretary-General the information requested by the Assembly in that resolution. A list of States parties to the Additional Protocols of 1977 and 2005 is contained in the annex to the report.

* A/73/150.

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I. Introduction

1. In paragraph 11 of its resolution 71/144, the General Assembly requested the Secretary-General to submit to it, at its seventy-third session, a comprehensive report on the status of the Additional Protocols relating to the protection of victims of armed conflicts and on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross (ICRC).

2. Pursuant to that request, the Secretary-General, by notes verbales dated 16 January 2017 and 5 March 2018 and letters dated 11 January 2017 and 2 March 2018, invited Member States and ICRC to transmit to him, by 1 June 2018, the information requested for inclusion in the present report.

3. Information has been received from the following Member States: Austria, Belgium, Brazil, Cuba, El Salvador, Finland, Honduras, Lebanon, Luxembourg, Montenegro, Paraguay, Peru,[1] Qatar, the Russian Federation, Slovenia, Spain, Switzerland, Ukraine and the United Kingdom of Great Britain and Northern Ireland.

4. The report was prepared based on information submitted by Member States and ICRC and should be read together with previous reports of the Secretary-General under this item.[2]

5. Summaries of the information submitted by Member States are contained in section II of this report and a summary of the information submitted by ICRC is presented in section III. The full texts of information received for the purposes of this report and for previous reports under this item since the fifty-fifth session of the General Assembly are available on the website of the Sixth Committee of the General Assembly (www.un.org/en/ga/sixth/).

6. The list of all States that are parties to the Additional Protocols of 1977 and of 2005[3] to the Geneva Conventions of 1949[4] as at 26 April 2018 is contained in the annex to the report.

II. Information received from Member States

Austria

[Original: English]
[31 May 2018]

Austria reiterated the information it submitted previously (see A/71/183), and reported that, in addition, it signed the Treaty on the Prohibition of Nuclear Weapons in 2017 and ratified it in 2018. Austria also facilitated the discussion on the jurisdiction of the International Criminal Court over the crime of aggression and supported proposed amendments to article 8 of the Rome Statute of the Court to extend the its jurisdiction over three crimes to non-international armed conflicts.

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[1] Peru submitted information pursuant to General Assembly resolution 69/120 of 10 December 2014.

[2] See, for instance, A/71/183 and A/71/183/Add.1; A/69/184 and A/69/184/Add.1; A/67/182 and A/69/182/Add.1; A/65/138 and A/65/138/Add.1; A/63/118 and; A/63/118/Add.1; A/61/222 and A/61/222/Add.1; A/59/321; A/57/164 and A/57/164/Add.1; A/55/173, A/55/173/Corr.1, A/55/173/Corr.2 and A/55/173/Add.1; A/53/287; A/51/215, A/51/215/Corr.1 and A/51/215/Add.1; and A/49/255, A/49/255/Corr.1 and A/49/255/Add.1.

[3] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513; vol. 2404, No. 43425.

[4] Ibid., vol. 75, Nos. 970–973.

In 2017, Austria made a financial contribution to the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011.

During its Chairpersonship-in-Office of the Organization for Security and Cooperation in Europe (OSCE), Austria tasked the OSCE Secretary-General to deploy an independent team of experts to conduct a forensic post-blast investigation of an incident in Eastern Ukraine. In this regard, Austria's suggestion that the good offices of the International Humanitarian Fact-Finding Commission be used to carry out the investigation was adopted.

Under their joint pledge submitted at the thirty-second International Conference of the Red Cross and Red Crescent (2015) and the World Humanitarian Summit (2016), Austria and the Austrian Red Cross organized seminars with assistance from the Universities of Graz and Linz. Austria also reported that its Ministry of Defence had provided training to over 200 legal advisers in the armed forces or the defence ministries from 30 European States and the European External Action Service.

Belgium

[Original: French]
[30 May 2018]

Belgium reiterated the information it provided previously (see A/71/183, A/71/183/Add.1 and A/67/182/Add.1) and added that, in 2016, the Interministerial Commission for Humanitarian Law actively participated in the universal meeting of national committees and similar bodies on international humanitarian law. In 2017, Belgium organized several conferences and adopted a number of measures on international humanitarian law. The conferences addressed a range of matter, including children and armed conflict and the updated commentary on the First Geneva Convention. To mark the fortieth anniversary of Additional Protocols I and II, Belgium supported the organization of a study day by the International Society for Military Law and Law of War.

With respect to the measures adopted, as part of the Government's collaboration with the Belgian Red Cross to disseminate and implement international humanitarian law, two training courses were organized: (a) one on international humanitarian law for trainee diplomats, organized with the Federal Public Service for Foreign Affairs; and (b) a training on hostile environment awareness, organized with the Belgian Interministerial Commission for Humanitarian Law, the Ministry of Defence and the Belgian Committee of the Blue Shield. Additionally, Belgium, in cooperation with the Belgian Red Cross, prepared the progress report on the implementation of the resolutions adopted and the pledges made at the thirty-second International Conference of the Red Cross and Red Crescent.

Brazil

[Original: English]
[5 June 2018]

Brazil reported that it is a party to all the main instruments in international humanitarian law, including the four Geneva Conventions and the Additional Protocols, and listed the relevant instruments to which it is a party. Brazil was the first State to sign the Treaty on the Prohibition of Nuclear Weapons, and has initiated internal procedures for its ratification. In 2018, the Brazilian Senate approved the bill on the Arms Trade Treaty, thus concluding the legislative procedures for its

ratification. Brazil also participated actively in the thirty-second International Conference of the Red Cross and Red Crescent and engaged constructively in the intergovernmental process aimed at strengthening compliance with international humanitarian law.

Brazil noted that it has endeavoured to disseminate and implement international humanitarian law-related instruments through the activities of the national Committee on International Humanitarian Law and its subcommittees, under the coordination of the Ministry of Foreign Affairs. In addition, a subcommittee on new technologies of war was established to gather and disseminate information that may contribute to internal and international debates on the compatibility of new technologies with international law, particularly international humanitarian law and international human rights law. Another subcommittee was created to develop further measures to implement the 1945 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and related instruments. The national Committee on International Humanitarian Law frequently exchanges information with the Ministry of Culture about measures taken on the protection of cultural property, and meets usually every three or four months to address, inter alia, issues related to education on international humanitarian law, the protection of cultural property in armed conflicts, health and international humanitarian law, the use and protection of ICRC emblems and the monitoring of draft bills on international humanitarian law matters. Committee representatives also participated in several international events organized by ICRC.

Brazil reported that in 2017 its relevant authorities approved a bill on the use and protection of the emblems of the Red Cross, Red Crescent and Red Crystal, which will proceed to the Plenary of the Chamber of Deputies before moving to the Brazilian Senate. Brazil reported that it has initiated the process for the implementation of the Rome Statute of the International Criminal Court, including a draft bill defining war crimes in accordance with the Geneva Conventions, Additional Protocol I and article 8 of the Rome Statute are under consideration in Congress.

Cuba

[Original: Spanish]
[27 March 2018]

Cuba reiterated the information it submitted previously (see A/65/138 and A/71/183) and reported that it is a party to a number of international humanitarian law instruments. In this connection, it also reported that both its Penal Code and its Military Justice Code contain provisions on serious violations in the humanitarian field. Cuba asserted that it has maintained an unrestricted respect for the rules of international humanitarian law and reported that its practice may be largely found in the customary international humanitarian law database maintained by ICRC. Additionally, Cuba reaffirmed the contribution of the Centre for Studies in International Humanitarian Law in disseminating and teaching international humanitarian law. During the reporting period, the Cuban Red Cross Society and the National Union of Jurists of Cuba organized many activities aimed at disseminating and teaching international humanitarian law. Cuba noted that, in 2017, a workshop on international humanitarian law took place in Havana under the auspices of the Cuban Society of International Law, with the participation of members of the Revolutionary Armed Forces and investigators.

El Salvador

[Original: Spanish]
[1 May 2018]

El Salvador reiterated the information it submitted previously (see A/65/138, A/67/182, A/69/184 and A/71/183) and added that, in 2016 and 2017, its Inter-Agency Standing Committee on conducted several activities on international humanitarian law, including: training on various international humanitarian law issues, the publication of a compilation of international instruments related to international humanitarian law; and the creation of a webpage dedicated to matters of international humanitarian law.

At the regional level, El Salvador has been acknowledged as one of the States with a higher number of cultural properties marked with the protective "Blue Shield" emblem. El Salvador also reported that its national committee for the implementation of Security Council resolution 1325 (2000) has approved a national plan entitled "Women, peace and security" (2017–2022), aimed at improving the situation of women in States affected by armed conflict and other types of conflict, including terrorism.

Finland

[Original: English]
[1 June 2018]

Finland reiterated the information it submitted in 2014 (see A/69/184/Add.1) and added that it made a number of pledges at the thirty-second International Conference of the Red Cross and the Red Crescent, including to undertake and support a study on the rules and principles of international humanitarian law and their application in the context of autonomous weapons systems. To that end, a research report entitled "Autonomous weapons systems and international humanitarian law: 'out of the loop'?" by Jarna Petman of the University of Helsinki, which was commissioned by the Research Unit of the Ministry of Foreign Affairs, was made available in 2017.

Honduras

[Original: Spanish]
[30 May 2018]

Honduras reported that it had adopted the a number of measures related to the protection of victims of armed conflict, including measures by its Office of Humanitarian Law to strengthen the dissemination and implementation of international humanitarian law at the national level; the decision of the Council of Universities to include international humanitarian law as a subject in the curriculum of private and public universities; the standardization of the emblem of the Honduran Red Cross; and the training and dissemination of information on international humanitarian law for members of the armed forces.

Lebanon

[Original: Arabic]
[23 May 2018]

Lebanon reiterated the information it submitted previously (see A/69/184, A/67/182, A/65/138/Add.1 and A/61/222) and reported that, in 2017, it made amendments to the code of military conduct to regulate the methods and means of

warfare in accordance with Additional Protocol II. Following Lebanon's accession in 2017 to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its Protocols I, II (amended) and III, the Ministry of Defence took measures to implement their provisions. Measures were also being taken to honour Lebanon's obligations to protect cultural objects.

Several training courses were organized for Lebanese army officers in cooperation with ICRC and the Defense Institute of International Legal Studies of the United States of America. Representatives of the Ministry of Defence also participated in training sessions held by ICRC. The reference book used at Lebanese military institutes and colleges was updated.

In 2017, as an initial step towards the implementation of article 82 of Additional Protocol I, the Ministry of Defence established the post of international humanitarian law counsel to advise the Minister of Defence, the Commander of the Army and the Army Headquarters operations room on the legal aspects of planning and executing operations. The second step would involve posting international humanitarian law advisers to the leadership of major operational units in 2018.

Lebanon added that its military law imposed penalties for violations of international humanitarian law and stressed the need for compliance in the conduct of military operations, referring, in particular, to the events that took place in the Arsal area in eastern Lebanon. In this connection, a constructive dialogue was held with ICRC/Beirut, following which the Lebanese army took actions to ensure compliance by its units.

Luxembourg

[Original: French]
[1 June 2018]

Luxembourg reported that it has ratified the Additional Protocols to the Geneva Conventions relating to the protection of victims of armed conflicts. Following a commitment made during the World Humanitarian Summit, Luxembourg has designated a focal point in charge of international humanitarian law within the Ministry of Foreign and European Affairs to coordinate the Ministry's actions in matters related to international humanitarian law.

Montenegro

[Original: English]
[25 May 2018]

Montenegro reported that it has fully complied with the provisions of the Geneva Conventions and the Additional Protocols. Through a regular process of planning and training, the military staff of the army has been familiarized with the significance and implementation of the international instruments and other international treaties in the field of international humanitarian law relating to the protection of the wounded and diseased, humanitarian and medical staff and medical facilities. Special attention has been paid to the protection of children and women in armed conflicts and to the measures on prevention of sexual violence. The Ministry of Defence and the Army of Montenegro usually send officers to international institutions for training in international humanitarian law. In 2018, 10 officers from the Ministry of Defence attended an international military course at the International Institute of Humanitarian Law in San Remo, Italy.

Paraguay

[Original: Spanish]
[24 May 2017]

In a summary of its activities regarding the Geneva Conventions and its Additional Protocols, Paraguay reported that it has ratified all Additional Protocols to the Geneva Conventions and that, in accordance with article 90 of Additional Protocol I, it has recognized the competence of the International Humanitarian Fact-Finding Commission ipso facto and without special agreement in relation to any other party to Additional Protocol I accepting the same obligation.

Paraguay provided information regarding Law No. 1160 (1997), which addresses the crime of genocide and war crimes. Paraguay explained that investigations over such crimes are conducted with due observance of the guarantees afforded by the constitution and the rights provided in international conventions. Paraguay further reported that the Supreme Court of Justice has no record of any extradition request of persons convicted of war crimes or other violations of the Geneva Conventions, nor is there any record of a mutual legal assistance request in this respect.

In 1995, Paraguay created the Commission for Studies and Implementation of International Humanitarian Law, composed of representatives of the Ministry of National Defence, the Ministry of Foreign Affairs, the Ministry of Justice and Labour and the Ministry of the Interior, with a representative of the Paraguayan Red Cross as an observer. The Commission's mandate is to implement and disseminate international humanitarian law in Paraguay. The Commission may invite academic experts, members of Parliament or other public officials as observers or assistants to support the development and implementation of international humanitarian law. In the academic sphere, many law faculties in Paraguay have adopted international humanitarian law in their curriculum and organized seminars and conferences on the subject. Paraguay highlighted that ICRC has contributed to the organization of various international humanitarian law courses and seminars in Paraguay.

Paraguay noted that the members of its armed forces, at all levels, are constantly provided with trained on international humanitarian law matters and that military personnel deployed to peace missions receive specialized training.

In addition, the Ministry of National Defence, in line with decree No. 1726 (2014), through its Office of Legal Affairs, gives legal advice and provides support for the promotion and dissemination of information on international humanitarian law and human rights.

Paraguay also reported that a training programme on the protection of emblematic monuments and buildings is being developed.

Peru

[Original: Spanish]
[21 September 2016]

Peru reported many measures adopted to implement General Assembly resolution 69/120 and the relevant international treaties related to international humanitarian law.

Peru provided information on treaties related to international humanitarian law to which Peru became a party. Notably, Peru reported that it ratified the Optional Protocols to the Convention on the Rights of the Child and had taken action to ratify

and incorporate several international instruments related to international humanitarian law into its domestic law.

Peru also provided information on numerous measures related to the protection of the civilian population, including: (a) the Constitutional Court's judgment regarding the definition of "hostile group", contained in Legislative Decree No. 1095, which is governed by the principles of international humanitarian law; (b) the activities of the Ministry for Women and Vulnerable Groups to promote the adoption of a protocol that addresses matters related to persons and families rescued from terrorist groups; (c) various measures focusing on gender and armed conflict, in particular, the national plan against gender-based violence (2016–2021), enacted in 2016; and (d) the establishment of a temporary multisectorial commission tasked with preparing a proposal related to internally displaced persons.

Peru also reported that an act on the search for persons who disappeared during the violence that took place in the 1980–2000 period was adopted to deal with the issue of missing persons and assistance to their families. In addition, a high-level multisectorial commission, established to address reparations and reconciliation following the 20-year period of violence from 1980 to 2000, ensured that reparations were paid to relevant beneficiaries. Other measures taken by its various ministries include: (a) the Ministry of Education adopted a multi-year education reparations plan for victims of violence in Peru (2016–2021) to implement a reparations programme for victims (scholarships for victims of violence were among some of the measures adopted under the plan); and (b) the Ministry of Health adopted guidelines on mental health care for persons affected by the violence during the 1980–2000 period and conducted information campaigns on education and mental health between 2011 and 2015.

With respect to the dissemination of international humanitarian law, Peru reported measures adopted on training and education, such as: (a) aspects of the national human rights plan (2014–2016) regarding education on international humanitarian law and international human rights law; (b) the adoption of the national plan for education in fundamental rights and duties through 2021, which provides for various measures related to international humanitarian law and human rights; and (c) the "Miguel Grau" course, which continues to be offered by the National Commission for the Study and Implementation of International Humanitarian Law. Peru further reported that the Centre for International Humanitarian Law and Human Rights of the Ministry of Defence has trained thousands of individuals, including military and civilian defence personnel, judges and prosecutors, on a wide range of international humanitarian law issues. In addition, Peru stated that the Chair of the Joint Chiefs of Staff of the armed forces has responsibility for establishing provisions for the fulfilment of State obligations assumed under national and international standards and agreements on international humanitarian law.

Peru made nine pledges to implement the resolutions adopted during the thirty-second International Conference of the Red Cross and Red Crescent at the national level. The pledges relate to, inter alia, the protection of cultural property, training and the dissemination of information on international humanitarian law, health and sexual and gender-based violence in emergencies.

Qatar

[Original: Arabic]
[31 May 2018]

Qatar reiterated the information it submitted previously (see A/71/183) and reported that it had participated in the intergovernmental process on strengthening

compliance with international humanitarian law and contributed to the position of the Group of Arab States. Qatar also noted that its candidate was elected as a member of the International Humanitarian Fact-Finding Commission for the 2017–2022 period.

Russian Federation

[Original: Russian]
[29 June 2018]

The Russian Federation reported that it ratified the Geneva Conventions in 1954 and the Additional Protocols in 1989 and that it was taking all necessary measures to ensure the implementation of international humanitarian law.

The Russian Federation noted that, in its Minister of Defence Order No. 717 (2015), instructions on legal matters in the armed forces had been approved, and that instructions regarding measures for observing the norms of international humanitarian law in the armed forces had been drafted by Minister of Defence Order No. 360 (2001). Such instructions took into account the Geneva Conventions and their Additional Protocols. The Russian Federation also stated that article 356 (1) of its 1996 Criminal Code, under the section on crimes against the peace and security of humanity, established the mistreatment of prisoners of war or civilians, the deportation of the civilian population, looting of national property in occupied territory and the use in armed conflict of means and methods prohibited by an international treaty signed by the Russian Federation as crimes punishable by up to 20 years of imprisonment.

Slovenia

[Original: English]
[29 May 2018]

Slovenia reiterated the information it submitted previously (see A/71/183) and reported that international humanitarian law training was provided at different levels of the military and before every deployment abroad, and that special training was organized for military lawyers tasked with providing additional training and advice for commanders. International humanitarian law is also part of the police education programme in Slovenia.

Slovenia's Ministry of Foreign Affairs joined other ministries in raising public awareness of the needs and rights of child refugees and migrants. Worksheets were produced for school children to raise the awareness of fundamental rights of child refugees, and panel discussions were held with participants from Slovenia and abroad. In addition, the Ministry of Foreign Affairs organized the third European meeting of focal points on the principle of "responsibility to protect" in 2017 to exchange information, experiences and good practices in the implementation of the principle. At the end of the meeting, a statement by the Chair was adopted to align European action on responsibility to protect and the prevention of mass atrocity crimes. The meeting was followed by an academic conference organized by the University of Ljubljana, which regularly cooperates with the Slovenian Red Cross and Slovenian armed forces and annually organizes, with ICRC and the Office of the United Nations High Commissioner for Refugees (UNHCR), the All-European International Humanitarian and Refugee Law Moot Court Competition.

Slovenia participated in the intergovernmental process on strengthening respect for international humanitarian law and reported progress in implementing resolutions and pledges adopted by the thirty-second International Red Cross and Red Crescent Conference.

Slovenia promoted the universality and integrity of the Rome Statute of the International Criminal Court at bilateral and multilateral levels as well as through its activities, including participation in the informal ministerial network for the International Criminal Court, and reported its intention to organize activities marking the twentieth anniversary of the adoption of the Rome Statute.

Spain

[Original: Spanish]
[11 June 2018]

Spain reported that, in accordance with article 90 of Additional Protocol I, it recognizes the competence of the International Humanitarian Fact-Finding Commission ipso facto and without special agreement in relation to any other party to Additional Protocol I accepting the same obligation. Spain provided information on the interpretative declarations it has made pertaining to Additional Protocol I and reported that it has ratified the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the two Protocols thereto, as well as the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on which occasion Spain also made an interpretive declaration.

Spain reported that it actively participated in the thirty-second International Conference of the Red Cross and Red Crescent and supports the efforts to strengthen international humanitarian law, in particular those within resolution 1 adopted during the Conference.

With respect to the protection of medical facilities and personnel, Spain reported that it is prioritizing the promotion and implementation of Security Council resolution 2286 (2016), including through organizing several events and participating in the informal group of States gathered in Geneva for this purpose. Spain also stated that, in the light of resolution 2286 (2016), it is working on the development of two aspects that have not been covered, namely the investigation of violations of international humanitarian law and reparations for victims.

Regarding the protection of civilians, Spain reported that it endorsed the Kigali Principles on the Protection of Civilians in 2017 and that military personnel deployed to peacekeeping and special political missions receive training on protection of civilians, human rights and international humanitarian law. Spain also reported that it is a member of the International Syria Support Group.

Spain reported that it is actively participating in the discussions surrounding the global compacts for refugees and migration and that it has promoted multilateral and bilateral measures to protect displaced persons. Spain also works closely with partners such as UNHCR, ICRC, the World Food Programme and the United Nations Relief and Works Agency for Palestine Refugees in the Near East to address issues related to refugees from the conflicts in Iraq and the Syrian Arab Republic. Additionally, Spain provided information regarding its law on stateless persons and on the status of ratification of international conventions related to stateless persons. Spain further noted that it supports the #IBelong campaign launched by UNHCR regarding stateless persons.

In 2017, Spain joined the "Call to Action on Protection from Gender-Based Violence in Emergencies" initiative and supported projects on prevention and the remedying of gender-based violence in Colombia, Jordan, Lebanon and the Syrian Arab Republic. Spain also affirmed that it is committed to the "Women, peace and security" agenda and that it adopted its second national action plan on women, peace and security 2017–2023, which contains specific actions on the prevention of and protection from gender-based violence.

Moreover, Spain reported that it endorsed the Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers and that it had joined the Group of Friends on Children and Armed Conflict.

Spain described several further other measures, including measures related to the International Criminal Court and the work of the Spanish Agency for International Development Cooperation and the Independent International Commission of Inquiry on the Syrian Arab Republic.

Switzerland

[Original: French]
[1 June 2018]

Switzerland reiterated the information it submitted previously (see A/71/183, A/69/184 and A/67/182/Add.1). In 2017, on the occasion of the fortieth anniversary of Additional Protocols I and II, Switzerland took the opportunity to promote and encourage their universalization.

Switzerland also reported that, together with ICRC, it organized meetings within the framework of the intergovernmental process on strengthening compliance with international humanitarian law with a view to finding agreement on the features and functions of a potential forum of States and improving the implementation of international humanitarian law. Switzerland and ICRC had also jointly organized the third meeting of the Montreux Document Forum. Switzerland reported that there are two working groups on: (a) the International Code of Conduct for Private Security Service Providers' Association: and (b) the use of private military and security companies in maritime security are fully functioning.

With respect to the Convention on Certain Conventional Weapons, Switzerland supported the establishment of a group of governmental experts on lethal autonomous weapon systems and actively participates in its discussions pertaining to the observance of international humanitarian law.

With a view to enhancing the implementation of Additional Protocol II, Switzerland reported that it supported the jurisdiction of the International Criminal Court over the crime of aggression and proposed an amendment to article 8 of the Rome Statute, aimed at categorizing starvation of civilians as a method of warfare as a crime in a non-international armed conflict. Switzerland added that it took initiatives to underline the importance of the International Criminal Court.

In 2016, Switzerland organized a diplomatic conference of States that recognize the competence of the International Humanitarian Fact-Finding Commission under article 90 of Additional Protocol I to elect new members of the Commission. In 2017, on the occasion of the fortieth anniversary of Additional Protocols I and II, Switzerland promoted the importance of the Commission and encouraged States that have not yet done so to recognize its competence. As the secretariat of the Commission, the Government of Switzerland supported the mission it had conducted in Ukraine in 2017 and also supported its visits to several States.

Ukraine

[Original: English]
[31 May 2018]

Ukraine reported that it is party to the majority of international treaties on international humanitarian law. In addition, Ukraine had taken a number of legislative and regulatory measures to implement international humanitarian law, particularly

amendments to the Constitution of Ukraine that will enter into force in 2019, which will form the basis for future ratification of the Rome Statute of the International Criminal Court, which was signed by Ukraine in 2000. Ukraine also made two statements recognizing the jurisdiction of the International Criminal Court on crimes against humanity and war crimes in 2014 and 2015.

Ukraine noted that progress has been made in bringing its criminal law in line with international humanitarian law. The Criminal Code of Ukraine criminalizes acts in violation of international humanitarian law, such as: propaganda of war; planning, preparing, deployment and conducting an aggressive war; violation of rules of warfare; use of weapons of mass destruction; development, production, acquisition, storage, sale, transportation of weapons of mass destruction; and genocide. Ukraine stated that other amendments to the Criminal Code were being developed by the Ministry of Justice.

Ukraine reported that in 2017 the Ministry of Defense issued an order confirming the updated version of its instruction on procedures for the implementation of the principles of international humanitarian law in the armed forces. The instruction introduces general international humanitarian law-related limits on the methods and means used in hostilities, emphasizes the need for the protection of civilians and provides for criminal and disciplinary liability of individuals who violate the norms of international humanitarian law. In addition, the Ministry of Defense regularly organizes international humanitarian law training seminars for its personnel, in cooperation with ICRC.

Ukraine also reported the adoption in 2017 of decree No. 329 on the establishment of an inter-agency commission on the application and implementation of international humanitarian law in Ukraine by the Cabinet of Ministers. The decree was designed to facilitate the implementation of the international legal obligations of Ukraine arising from the Geneva Conventions of 1949, as well as the implementation by the Ministry for Temporarily Occupied Territories and Internally Displaced Persons of one of its main tasks: to ensure the formulation and implementation of State policy on the application of the international humanitarian law on the territory of Ukraine. The inter-agency commission acts as an advisory body to the Cabinet of Ministers in promoting the implementation of international legal obligations of Ukraine in the field of international humanitarian law and is a platform for the identification of basic practical problems, the determination of short-term and long-term priorities, further implementation of international legal obligations by all responsible parties and monitoring of the resolution of problems and the evaluation of solutions.

United Kingdom of Great Britain and Northern Ireland

[Original: English]
[18 June 2018]

The United Kingdom and Northern Ireland reiterated the information it had submitted previously (see A/71/183) and reported that, in 2017, it enacted the Cultural Property (Armed Conflicts) Act, providing for its ratification of the Convention for the Protection of Cultural Property in the Event of Armed Conflict and its accession to the two Protocols to the Convention. To support the implementation of the Convention, the United Kingdom published two guidance documents, established a cross-Government working group on cultural protection and is establishing a military cultural property protection unit.

As Chair of the Convention on Certain Conventional Weapons, the Government has worked to strengthen the Convention and the Arms Trade Treaty, and has

contributed to the Voluntary Trust Fund that supports the efforts of other States to implement the Treaty. The United Kingdom maintains its position that the use of existing and new weapons systems should conform to international humanitarian law.

The United Kingdom supported the intergovernmental project on strengthening compliance with international humanitarian law, including through its participation in the fourth formal meeting on the subject (2018). In addition, it was a co-sponsor of Security Council resolution 2286 (2016) and co-hosted a General Assembly side event on the protection of medical personnel (2017). The United Kingdom also supported the launch of the World Health Organization global surveillance system to monitor attacks on health-care services as well as the work of the United Nations inter-agency access coordination unit in Palestine to monitor access and ensure the free movement of patients and ambulances.

The United Kingdom reported that its National Committee on International Humanitarian Law encouraged the dissemination and training of international humanitarian law for the members of the armed forces, the police, the civil service, educational institutions, the judiciary, the medical profession, the media and others. International humanitarian law was included as a statutory subject in English schools in the formal key stage 4 (ages 14 to 16) of the national curriculum for citizenship programme.

With respect to the initiative on preventing sexual violence in conflict, in 2017 the United Kingdom launched its guide on the principles for global action on tackling the stigma of sexual violence in conflict at the General Assembly. In addition to funding several projects aimed at preventing sexual violence, the United Kingdom used the international protocol on documentation and investigation of sexual violence in conflict (second edition) to provide capacity-building to practitioners in countries, including: Bangladesh in the context of the Rohingya crisis; the Democratic Republic of the Congo; and the Syrian Arab Republic. The United Kingdom stated its intention to host an international meeting on the topic in 2019, which will mark five years since the Global Summit to End Sexual Violence in Conflict.

III. Information received from the International Committee of the Red Cross

[Original: English]
[28 May 2018]

1. ICRC reiterated the information it submitted previously under this item (see, for example, A/71/183). In addition, on the fortieth anniversary of the adoption of the Additional Protocols, ICRC took steps to promote their universalization and implementation, including by publishing a policy paper on their impact and practical relevance, highlighting their relevance through national and regional events, raising the question of accession in its dialogue with States and writing to States not yet parties to the Protocols to encourage their adherence to them.

2. In 2017, ICRC published an updated commentary on the Second Geneva Convention and organized various promotional events. In addition, ICRC and the International Red Cross and Red Crescent Movement welcomed the adoption of the Treaty on the Prohibition of Nuclear Weapons. ICRC also worked closely with national Red Cross and Red Crescent Societies to support their dialogue with Governments and hosted a high-level Red Cross and Red Crescent Movement conference on the prohibition and elimination of nuclear weapons with the Japanese Red Cross Society (2017). The Red Cross and Red Crescent Movement also adopted a four-year action plan on nuclear weapons.

3. ICRC worked with national Red Cross and Red Crescent Societies to foster adherence to and implementation of treaties governing landmines, cluster munitions and explosive remnants of war. ICRC also organized national and regional seminars to discuss such topics. ICRC participated in the annual meetings of States parties to the Anti-personnel Mine Ban Convention and the Convention on Cluster Munitions, and ICRC experts attended meetings of States parties to the Convention on Certain Conventional Weapons and its Protocols.

4. ICRC urged States to set limits on autonomy in weapon systems during deliberations at the meetings of governmental experts on the Convention on Certain Conventional Weapons (2017 and 2018), and convened a meeting of independent experts (2017) to explore the ethical issues involved. ICRC has reminded States of their obligation to determine whether the employment of new weapons, means or methods of warfare, including autonomous weapon systems, would be prohibited by international law in any foreseeable circumstances of their use.

5. ICRC promoted adherence to and implementation of the international and regional instruments regulating the transfer of arms, including the Arms Trade Treaty and the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

6. On the issue of use of explosive weapons with a wide impact area in densely populated areas, ICRC conducted an analysis of its humanitarian, technical, legal and policy aspects and awareness-raising of its humanitarian impact, engaged in confidential dialogue with States and parties to armed conflict on good practices for mitigating risks to civilians and lent its support to diplomatic efforts.

7. ICRC congratulated Niger, Oman, Papua New Guinea and the State of Palestine on establishing national committees on international humanitarian law, and stated that by its reckoning, there were now 111 national committees or similar bodies. In 2016, ICRC convened its fourth Universal Meeting of National Committees and Similar Bodies on International Humanitarian Law, focusing on enhancing protection in armed conflict through domestic law and policy.

8. ICRC noted that, at the time of writing, 174 States were party to Additional Protocol I and 168 States were party to Additional Protocol II, and that the State of Palestine made a declaration pursuant to article 90 of Additional Protocol I accepting the competence of the International Humanitarian Fact-Finding Commission. ICRC welcomed the following accessions: Burkina Faso to Additional Protocol III; Brunei Darussalam, the Central African Republic, Guinea, Pakistan and Samoa to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; Benin, the Central African Republic, Czechia, Malawi, Seychelles, Sri Lanka and Switzerland to the International Convention for the Protection of All Persons from Enforced Disappearance; Afghanistan, Togo, Turkmenistan and the United Kingdom to the Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols, Botswana to its First Protocol and Burkina Faso, France, Liechtenstein, Norway, Portugal and Sweden to its Second Protocol; and Benin, Cabo Verde, Chile, Cyprus, Georgia, Guatemala, Honduras, Kazakhstan, Madagascar, Monaco, the Republic of Korea, Zambia and the State of Palestine to the Arms Trade Treaty.

9. ICRC and Switzerland, as co-facilitators of the intergovernmental process on strengthening compliance with international humanitarian law, organized formal meetings of States and additional preparatory meetings for delegations to exchange views on the substantive elements of resolution 2 adopted at the thirty-second International Conference of the Red Cross and Red Crescent and on the best ways to fulfil the mandate given by the Conference. ICRC stated that further meetings were

planned for 2018 and 2019, with a view to submitting an outcome to the thirty-third Conference (2019).

10. ICRC provided legal assistance, including model legislation, to help countries develop national laws required by the Anti-personnel Mine Ban Convention and the Convention on Cluster Munitions. ICRC also continued developing specialized tools available to States and the public. The ICRC database on national implementation of international humanitarian law was updated to reflect information from 195 countries, and its customary international humanitarian law database was updated in cooperation with the British Red Cross Society. ICRC publications include: a comprehensive introduction to international humanitarian law; an updated handbook for parliamentarians (co-published with Inter-Parliamentary Union); brochures on cluster munitions and explosive remnants of war; an updated practical guide on applying international humanitarian and human rights law in arms transfer decisions; its recommendations regarding implementation of the provisions of the Arms Trade Treaty most relevant to achieving its humanitarian purpose; thematic factsheets on nuclear weapons, persons with disabilities and amnesties; and updated factsheets concerning internally displaced persons and the implementation of international humanitarian law in domestic law.

Annex

List of States parties to the Additional Protocols of 1977 and 2005 to the Geneva Conventions of 1949 as at 26 April 2018[a]

State	*Protocol*	*Date of ratification, accession or succession*
Afghanistan	I and II	10 November 2009
Albania	I and II	16 July 1993
	III	6 February 2008
Algeria[b]	I[c] and II	16 August 1989
Angola	I[c]	20 September 1984
Antigua and Barbuda	I and II	6 October 1986
Argentina[b]	I[c] and II[c]	26 November 1986
	III[c]	16 March 2011
Armenia	I and II	7 June 1993
	III	12 August 2011
Australia[b]	I[c] and II	21 June 1991
	III	15 July 2009
Austria[b]	I[c] and II[c]	13 August 1982
	III	3 June 2009
Bahamas	I and II	10 April 1980
Bahrain	I and II	30 October 1986
Bangladesh	I and II	8 September 1980
Barbados	I and II	19 February 1990
Belarus[b]	I and II	23 October 1989
	III	31 March 2011
Belgium[b]	I[c] and II	20 May 1986
	III	12 May 2015
Belize	I and II	29 June 1984
	III	3 April 2007
Benin	I and II	28 May 1986
Bolivia (Plurinational State of)[b]	I and II	8 December 1983
Bosnia and Herzegovina[b]	I and II	31 December 1992
Botswana	I and II	23 May 1979

State	*Protocol*	*Date of ratification, accession or succession*
Brazil[b]	I and II	5 May 1992
	III	28 August 2009
Brunei Darussalam	I and II	14 October 1991
Bulgaria[b]	I and II	26 September 1989
	III	13 September 2006
Burkina Faso[b]	I and II	20 October 1987
	III	7 October 2016
Burundi	I and II	10 June 1993
Cambodia	I and II	14 January 1998
Cameroon	I and II	16 March 1984
Canada[b]	I[c] and II[c]	20 November 1990
	III[c]	26 November 2007
Cabo Verde[b]	I and II	16 March 1995
Central African Republic	I and II	17 July 1984
Chad	I and II	17 January 1997
Chile[b]	I and II	24 April 1991
	III	6 July 2009
China	I[c] and II[c]	14 September 1983
Colombia[b]	I	1 September 1993
	II	14 August 1995
Comoros	I and II	21 November 1985
Congo	I and II	10 November 1983
Cook Islands[b]	I and II	7 May 2002
	III	7 September 2011
Costa Rica[b]	I and II	15 December 1983
	III	30 June 2008
Côte d'Ivoire	I and II	20 September 1989
Croatia[b]	I and II	11 May 1992
	III	13 June 2007
Cuba	I	25 November 1982
	II	23 June 1999

State	*Protocol*	*Date of ratification, accession or succession*
Cyprus[b]	I	1 June 1979
	II	18 March 1996
	III	27 November 2007
Czechia[b]	I and II	5 February 1993
	III	23 May 2007
Democratic People's Republic of Korea	I	9 March 1988
Democratic Republic of the Congo[b]	I	3 June 1982
	II	12 December 2002
Denmark[b]	I[c] and II	17 June 1982
	III	25 May 2007
Djibouti	I and II	8 April 1991
Dominica	I and II	25 April 1996
Dominican Republic	I and II	26 May 1994
	III	1 April 2009
Ecuador	I and II	10 April 1979
Egypt	I[c] and II[c]	9 October 1992
El Salvador	I and II	23 November 1978
	III	12 September 2007
Equatorial Guinea	I and II	24 July 1986
Estonia[b]	I and II	18 January 1993
	III	28 February 2008
Eswatini	I and II	2 November 1995
Ethiopia	I and II	8 April 1994
Fiji	I, II and III	30 July 2008
Finland[b]	I[c] and II	7 August 1980
	III	14 January 2009
France	I[c]	11 April 2001
	II[c]	24 February 1984
	III	17 July 2009
Gabon	I and II	8 April 1980

State	*Protocol*	*Date of ratification, accession or succession*
Gambia	I and II	12 January 1989
Georgia	I and II	14 September 1993
	III	19 March 2007
Germany[b]	I[c] and II[c]	14 February 1991
	III	17 June 2009
Ghana	I and II	28 February 1978
Greece[b]	I	31 March 1989
	II	15 February 1993
	III	26 October 2009
Grenada	I and II	23 September 1998
Guatemala	I and II	19 October 1987
	III	14 March 2008
Guinea[b]	I and II	11 July 1984
Guinea-Bissau	I and II	21 October 1986
Guyana	I and II	18 January 1988
	III	21 September 2009
Haiti	I and II	20 December 2006
Holy See	I[c] and II[c]	21 November 1985
Honduras	I and II	16 February 1995
	III	8 December 2006
Hungary[b]	I and II	12 April 1989
	III	15 November 2006
Iceland[b]	I[c] and II	10 April 1987
	III	4 August 2006
Iraq	I	1 April 2010
Ireland[b]	I[c] and II[b]	19 May 1999
Israel	III[c]	22 November 2007
Italy[b]	I[c] and II	27 February 1986
	III	29 January 2009
Jamaica	I and II	29 July 1986
Japan[b]	I[c] and II	31 August 2004

State	Protocol	Date of ratification, accession or succession
Jordan	I and II	1 May 1979
Kazakhstan	I and II	5 May 1992
	III	24 June 2009
Kenya	I and II	23 February 1999
	III	28 October 2013
Kuwait[b]	I and II	17 January 1985
Kyrgyzstan	I and II	18 September 1992
Lao People's Democratic Republic[b]	I and II	18 November 1980
Latvia	I and II	24 December 1991
	III	2 April 2007
Lebanon	I and II	23 July 1997
Lesotho[b]	I and II	20 May 1994
Liberia	I and II	30 June 1988
Libya	I and II	7 June 1978
Liechtenstein[b]	I[c] and II[c]	10 August 1989
	III	24 August 2006
Lithuania[b]	I and II	13 July 2000
	III	28 November 2007
Luxembourg[b]	I and II	29 August 1989
	III	27 January 2015
Madagascar[b]	I and II	8 May 1992
Malawi[b]	I and II	7 October 1991
Maldives	I and II	3 September 1991
Mali[b]	I and II	8 February 1989
Malta[b]	I[c] and II[c]	17 April 1989
Mauritania	I and II	14 March 1980
Mauritius	I[c] and II[c]	22 March 1982
Mexico	I	10 March 1983
	III	7 July 2008
Micronesia (Federated States of)	I and II	19 September 1995

State	*Protocol*	*Date of ratification, accession or succession*
Monaco[b]	I and II	7 January 2000
	III	12 March 2007
Mongolia[b]	I[c] and II	6 December 1995
Montenegro[b]	I and II	2 August 2006
Morocco	I[c] and II	3 June 2011
Mozambique	I	14 March 1983
	II	12 November 2002
Namibia[b]	I[c] and II[c]	18 October 1983
Nauru	I and II	27 June 2006
	III	4 December 2012
Netherlands[b]	I[c] and II[c]	26 June 1987
	III[c]	13 December 2006
New Zealand[b]	I[c] and II[c]	8 February 1988
	III	23 October 2013
Nicaragua	I and II	19 July 1999
	III	2 April 2009
Niger	I and II	8 June 1979
Nigeria	I and II	10 October 1988
Norway[b]	I and II	14 December 1981
	III	13 June 2006
Oman	I[c] and II[c]	29 March 1984
Palau	I and II	25 June 1996
Panama[b]	I and II	18 September 1995
	III	30 April 2012
Paraguay[b]	I and II	30 November 1990
	III	13 October 2008
Peru	I and II	14 July 1989
Philippines	I[c]	30 March 2012
	II	11 December 1986
	III	22 August 2006

State	*Protocol*	*Date of ratification, accession or succession*
Poland[h]	I and II	23 October 1991
	III	26 October 2009
Portugal[h]	I[c] and II[c]	27 May 1992
	III	22 April 2014
Qatar[h]	I[c]	5 April 1988
	II	5 January 2005
Republic of Korea[h]	I[c] and II	15 January 1982
Republic of Moldova	I and II	24 May 1993
	III[c]	19 August 2008
Romania[h]	I and II	21 June 1990
	III	15 May 2015
Russian Federation[h]	I[c] and II[c]	29 September 1989
Rwanda[h]	I and II	19 November 1984
Saint Kitts and Nevis[h]	I and II	14 February 1986
Saint Lucia	I and II	7 October 1982
Saint Vincent and the Grenadines[h]	I and II	8 April 1983
Samoa	I and II	23 August 1984
San Marino	I and II	5 April 1994
	III	22 June 2007
Sao Tome and Principe	I and II	5 July 1996
Saudi Arabia	I[c]	21 August 1987
	II	28 November 2001
Senegal	I and II	7 May 1985
Serbia[h]	I and II	16 October 2001
	III	18 August 2010
Seychelles[h]	I and II	8 November 1984
Sierra Leone	I and II	21 October 1986
Singapore	III	7 July 2008
Slovakia[h]	I and II	2 April 1993
	III	30 May 2007

State	*Protocol*	*Date of ratification, accession or succession*
Slovenia[b]	I and II	26 March 1992
	III	10 March 2008
Solomon Islands	I and II	19 September 1988
South Africa	I and II	21 November 1995
South Sudan	I, II and III	25 January 2013
Spain[c]	I[c] and II	21 April 1989
	III	10 December 2010
State of Palestine	I[c]	2 April 2014
	II and III	4 January 2015
Sudan	I	7 March 2006
	II	13 July 2006
Suriname	I and II	16 December 1985
	III	25 June 2013
Sweden[b]	I[c] and II	31 August 1979
	III[c]	21 August 2014
Switzerland[b]	I and II	17 February 1982
	III[c]	14 July 2006
Syrian Arab Republic	I[c]	14 November 1983
Tajikistan[b]	I and II	13 January 1993
The former Yugoslav Republic of Macedonia[b]	I[c] and II	1 September 1993
	III	14 October 2008
Timor-Leste	I and II	12 April 2005
	III	29 July 2011
Togo[b]	I and II	21 June 1984
Tonga[b]	I and II	20 January 2003
Trinidad and Tobago[b]	I and II	20 July 2001
Tunisia	I and II	9 August 1979
Turkmenistan	I and II	10 April 1992
Uganda	I and II	13 March 1991
	III	21 May 2008

State	Protocol	Date of ratification, accession or succession
Ukraine[c]	I and II	25 January 1990
	III	19 January 2010
United Arab Emirates[b]	I[c] and II[c]	9 March 1983
United Kingdom of Great Britain and Northern Ireland[b]	I[c] and II[c]	28 January 1998
	III[c]	23 October 2009
United Republic of Tanzania	I and II	15 February 1983
United States of America	III[c]	8 March 2007
Uruguay[b]	I and II	13 December 1985
	III	19 October 2012
Uzbekistan	I and II	8 October 1993
Vanuatu	I and II	28 February 1985
Venezuela (Bolivarian Republic of)	I and II	23 July 1998
Viet Nam	I	19 October 1981
Yemen	I and II	17 April 1990
Zambia	I and II	4 May 1995
Zimbabwe	I and II	19 October 1992

[a] The list was provided by Switzerland as Depository of the Geneva Conventions and Additional Protocols. Information was taken from the website of the Swiss Federal Department of Foreign Affairs (www.dfae.admin.ch/depositaire).

[b] Party which has made the declaration provided for under article 90 of Protocol I.

[c] Ratification, accession or succession accompanied by a reservation and/or a declaration.

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Promotion and protection of the rights of children

Report of the Special Representative of the Secretary-General for Children and Armed Conflict

Summary

The present report is submitted to the General Assembly pursuant to its resolution 72/245 on the rights of the child, in which it requested the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the Assembly on the activities undertaken in the fulfilment of her mandate and on the progress achieved in advancing the children and armed conflict agenda. The report covers the period from August 2017 to July 2018. It describes trends, issues of concern and progress made over the past year, including the mainstreaming of child protection issues within the United Nations system. It also provides information on the field visits of the Special Representative, on her engagement with regional organizations, civil society and international partners and on dialogue with parties to conflict. It outlines challenges and priorities in her agenda and concludes with a set of recommendations to enhance the protection of children affected by conflict.

* A/73/150.

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I. Introduction

1. In its resolution 72/245, the General Assembly requested the Special Representative of the Secretary-General for Children and Armed Conflict (the Special Representative) to continue to submit reports to it and the Human Rights Council on the activities undertaken in the fulfilment of her mandate, including information on her field visits, on progress achieved and challenges remaining on the children and armed conflict agenda. The request stemmed from the mandate given by the Assembly in its resolution 51/77, in which it recommended, inter alia, that the Special Representative raise awareness and promote the collection of information about the plight of children affected by armed conflict and foster international cooperation to ensure respect for children's rights in these situations.

2. In line with that mandate, and as requested by the Assembly in its resolution 72/245, the present report provides information on current trends regarding children affected by armed conflict and gives an overview of emerging issues and challenges, including on the cross-border nature of grave violations and the relationship between preventing violations of children's rights and the United Nations broader sustaining peace agenda. It also highlights the ongoing engagement with parties to conflict to end and prevent grave violations as well as efforts undertaken with a broad range of actors to raise global awareness and catalyse action on the issue. In the present report, reference is also made to steps taken by the Special Representative in response to the request contained in resolution 72/245 that she increase her engagement with States, United Nations bodies and agencies, regional organizations and, especially, subregional organizations and increase public awareness activities, including by collecting, assessing and disseminating best practices and lessons learned, in accordance with the existing mandate.

II. Taking stock of the children and armed conflict agenda

A. Overview of trends and challenges

3. Protracted conflicts, cyclical spikes in violence and cross-border operations by armed forces and groups continued to render children in situations of armed conflict vulnerable. Time and again, armed conflict stripped away layers of protection afforded by families, society and law, and boys and girls became victims as both the targets and the perpetrators of violence. As a result, widespread grave violations against children were documented in almost all situations relating to the children and armed conflict agenda.

4. During the reporting period, there were spikes in violence in a number of chronically instable areas leading to unspeakable violations against children. For instance, the attacks of 25 August 2017 against Myanmar police posts by the Arakan Rohingya Salvation Army in northern Rakhine State triggered an immediate response from Government forces. The ensuing outbreak of violence led to much killing, maiming and rape and other forms of sexual violence and the displacement of more than 720,000 persons across the border to Bangladesh. Similarly, in the Kasais, in the Democratic Republic of the Congo, an intensification of operations by armed groups resulted in a significant increase in the recruitment of children and their use in hostilities, in attacks against schools and in the number of children killed and injured, including during the Government's response to the security threat. A periodic intensification of conflict was also noted in other country situations on the agenda of the Special Representative, such as the Central African Republic and Somalia.

5. Data from the United Nations monitoring and reporting mechanism on grave violations against children in situations of armed conflict indicate an increase in the number of verified cases for each of the six grave violations against children in 2017 compared with 2016. With an upsurge of more than 70 per cent, the trend was most pronounced for child abduction. In 2017 in Somalia alone, Al-Shabaab abducted more than 1,600 children with the primary objective of bolstering their ranks by using boys and girls in combat and support roles. Armed groups in other country situations also often relied on abduction as a modus operandi, forcing children to wage their conflicts. Some, such as Boko Haram in Nigeria, often specifically targeted girls, who were raped, forced to become wives of their fighters or used to perpetrate suicide attacks. In February 2018, for instance, the group abducted 110 girls and one boy from a technical college in Dapchi, Yobe State, the majority of whom have since been released. Incidents of mass abduction also led families to send their children to safer areas or stop them from attending school, disrupting access to education, particularly in the case of girls.

6. The impact of conflict and the consequences of grave violations often reverberate long after the peaks of violence subside. Temporary displacement to elude localized violence often becomes a permanent condition and immediate challenges to secure adequate shelter, food and health care become chronic. Vulnerability is often further magnified in the case of children separated from their families or victims of conflict-related sexual violence, particularly girls caring for children conceived through rape, who are faced with severe health repercussions and stigmatization. Even when a physical return is possible, the traces of conflict often render a return to childhood impossible. The five-month siege of Marawi, in the Philippines, for instance, led to the destruction of more than 20 schools and thereby hindered the access of more than 22,000 children to education. Rebuilding educational infrastructure and ensuring the return of qualified teachers can take months or even years, leaving important educational gaps in the formative years of children.

7. Notwithstanding those challenges, the Special Representative and other child protection actors achieved important advances in strengthening the protection of children affected by armed conflict. Action plans and other bilateral commitments provided the main framework for engaging with parties to conflict, leading to the formal release of more than 10,000 children from their ranks[1] and the reintegration of more than 12,000 by the United Nations Children's Fund (UNICEF) and other child protection partners in 2017. In addition, the Special Representative and her Office launched joint initiatives focused on strengthening the prevention of grave violations, which opened new pathways to engage with parties to conflict.

B. Emerging issues and challenges

Increasing levels of cross-border violations

8. Violations including a cross-border dimension were a prominent feature of the reporting period, further increasing the complexity of prevention and response efforts. In that regard, children continued to be recruited or abducted by parties to conflict in one country and trafficked across borders to be used in combat or for rape and other forms of sexual exploitation. For instance, in 2017, the United Nations documented the recruitment of boys by the Islamic State of Iraq and the Levant in and around Tripoli, Libya, who were subsequently trafficked by sea and land into the Syrian Arab Republic. Similarly, between July and October 2017, Boko Haram abducted 58 boys

[1] In addition, an unknown number of children left armed forces or groups through informal pathways.

and 32 girls during raids on villages across the borders of Nigeria with Cameroon and Niger. Similar cases were also documented in other countries.

9. In other instances, boys and girls travelled with their families or caregivers into war zones and, upon arrival, were often separated from them and drawn into the conflict surrounding them. In Iraq and the Syrian Arab Republic, a significant number of women and children accompanied fighters seeking to support the Islamic State of Iraq and the Levant and many of them were still in those countries at the time of writing. In Iraq, an estimated 1,200 children of different nationalities have reportedly been detained by the Government, including on terrorism-related charges. In the Syrian Arab Republic, more than 1,300 children are reportedly being held by Kurdish actors in different sites across the north-east of the country, often because of their alleged association with foreign fighters.

10. The already severe protection concerns regarding children living in conflict zones are often further magnified when boys and girls are recruited across borders. Not only are they exposed to the dangers of frontline service and used to support armed struggles in other ways, but they are stripped of support networks usually afforded by families or friends and may not be able to speak the local language and thus lack the ability to communicate basic needs. Children fighting in a foreign country who flee from armed forces or groups face significantly higher barriers than do nationals to escaping violence and rejoining their families. Bereft of any support structure, faced with exclusion and an unknown context, such children are often stranded in hostile territories and particularly vulnerable to re-recruitment, sexual violence, slavery or trafficking.

11. Cross-border recruitment and the use of children is a prevalent modus operandi for groups such as the Lord's Resistance Army, Boko Haram and the Islamic State of Iraq and the Levant. Governments faced with armed groups, the strategies of which include inflicting maximum suffering on civilians, may be tempted to apply different legal standards from those applying to such heinous acts. It is, particularly in contexts where Governments are engaged in operations to counter violent extremism, more important than ever to uphold the principle that children formerly associated with armed groups should be seen primarily as victims. We must not doubly make victims of those who were abducted, recruited, used and exposed to violence at an early age.

12. Nevertheless, children are often detained for their alleged association with such groups, exposed to harsh conditions, charged under anti-terrorism laws and faced with capital punishment, in clear violation of article 37 of the Convention on the Rights of the Child. In 2017, in Nigeria alone, authorities detained more than 1,900 children for their or their parents' alleged association with Boko Haram. Children of foreign nationality often face additional protection concerns in detention settings. Even when there is a clear commitment to comply with international juvenile justice principles, judiciaries may be overwhelmed with the caseload and the additional complexity regarding cases pertaining to foreign nationals. That includes complications with regard to age verification, criminal investigations and family tracing. In addition, where psychosocial or educational support is made available, children of foreign nationality may be unable to avail themselves of such services owing to the language barrier. The ongoing global study on children deprived of liberty, called for by the General Assembly in its resolution 69/157, will offer good practices and recommendations aimed at realizing all relevant rights of the child.

13. It is important to ensure accountability for crimes committed during conflict, including those committed by children during their association with armed groups. It is, however, equally important to support justice systems to do so according to international law and juvenile justice standards. In that regard, the international community must redouble its efforts to assist investigative processes, ensure adequate

resources are made available to enable adherence to juvenile justice principles and ensure that consular services are accessible to foreign nationals. Denying children the opportunity to return to their countries of origin, rescinding their nationality or detaining them solely for their alleged association with armed groups runs counter to the best interests of the child and international protection standards.

14. Stepping back from our joint responsibility to find durable and just solutions for children of foreign nationality stranded in conflict zones, regardless of their affiliation, will have a devastating impact on the prospects of building and sustaining peace. Responses that put children at risk of statelessness contravene central tenets of international law[2] and only serve to perpetuate the status quo. The phenomenon of cross-border recruitment and use of children in armed conflict, as well as other violations, therefore requires greater international attention and a coordinated response based firmly on international law and drawing on international child protection standards.

Preventing grave violations against children to build and sustain peace

15. Preventing violations against children affected by armed conflict should be a primary concern of the international community. Failing to assume this collective responsibility not only further endangers the boys and girls living in insecurity, but atrocities perpetrated against children may also amplify grievances between belligerent parties and reduce their ability to overcome conflict in a peaceful manner. More than two decades ago, the General Assembly, in its resolution 51/77, acknowledged that child protection contributes to promoting peace and stressed the importance of fostering an international political commitment to move towards preventing grave violations. Forestalling grave violations, such as sexual violence, child recruitment or abduction, is therefore not only a moral and legal obligation but also an essential factor in building and sustaining peace.

16. In 2016, the Security Council, through resolution 2282 (2016), renewed its commitment to peacebuilding and conflict prevention and called on the Secretary-General to share his views on how the United Nations could strengthen its role in peacebuilding and sustaining peace. The Secretary-General's report on peacebuilding and sustaining peace (A/72/707) presents a series of concrete recommendations to strengthen conflict prevention and work towards sustainable peace, many of which are closely linked to the children and armed conflict mandate.

17. In his annual report on children and armed conflict (A/72/865-S/2018/465), the Secretary-General highlighted that, despite a growing recognition that protecting boys and girls contributes to creating the conditions for lasting peace, children continue to be at the heart of conflicts. He called on the international community to ensure that child protection is made an integral part of any comprehensive strategy to prevent and resolve conflict with a view to enabling sustainable peace. In that regard, the Special Representative advocated the reinforcement of United Nations child protection capacities to better protect children in armed conflict and initiated various initiatives aimed at dovetailing efforts to respond to and prevent violations against children with the broader sustaining peace agenda of the United Nations, as detailed below.

Including child protection issues in peace processes

18. The importance of promoting the ability of the United Nations to prevent violent conflict by placing an emphasis on preventive diplomacy, mediation and good offices

[2] See, for example, the Universal Declaration of Human Rights (art. 15); the International Covenant on Civil and Political Rights (art. 24 (3)); and the Convention on the Rights of the Child (art. 7 (1)).

and to give due consideration to child protection issues from the initial stages of peace processes has been reaffirmed in recent United Nations resolutions, including Security Council resolution 2427 (2018) on children and armed conflict. In that regard, Member States, United Nations entities, the Peacebuilding Commission and other concerned parties have been called upon to integrate child protection provisions into all peace negotiations, ceasefire and peace agreements and provisions for ceasefire monitoring. At the open debate on children and armed conflict with the theme "Protecting children today prevents conflicts tomorrow", held by the Security Council on 9 July 2018, Member States reiterated the need to prioritize children's issues in peace processes and fully address their needs during and after armed conflicts in order to contribute to lasting peace.

19. In response to a request by the Security Council in October 2017 (S/PRST/2017/21), the Office of the Special Representative recently initiated a consultative process with child protection and mediation actors in the United Nations system, including the Department of Political Affairs, the Department of Peacekeeping Operations and UNICEF, in order to compile lessons learned and best practices and develop practical guidance on the integration of child protection issues in peace processes by December 2019.

20. The documentation and analysis of experiences in integrating child protection issues in peace processes garnered by the Office of the Special Representative and other child protection and mediation actors over the course of the past years will be an important starting point for the development of such guidance. The Special Representative's involvement in the peace talks between the Government of Colombia and the Revolutionary Armed Forces of Colombia-People's Army, focusing on the separation and reintegration of children from the former armed group, as well as her support for field engagement with the Moro Islamic Liberation Front commanders and community members in the Philippines to end child recruitment and with armed groups in the Central African Republic following the adoption of the Brazzaville Agreement of July 2014, offer a rich reservoir of knowledge that needs systematic review and analysis.

21. Through the ongoing initiative, the Office of the Special Representative will seek to disseminate knowledge on how peace processes can best be leveraged to advance child protection and promote reintegration and reconciliation objectives in the context of supporting conflict resolution and prevention. The Office will coordinate United Nations-wide efforts to provide adequate support to mediators, negotiators and all those who can influence parties to conflict in the task of ensuring that child protection concerns are addressed in mediation and peace processes. This will not only contribute to promoting children's rights but also to laying a solid foundation for inclusive and sustainable peace. Highlighting the potential benefits of including child protection issues in peace processes and the complementarity of mediation and child protection efforts will be an important enabling factor.

Leveraging the 2030 Agenda for Sustainable Development to prevent grave violations

22. The 2030 Agenda for Sustainable Development and the children and armed conflict agenda contain several joint objectives that offer important avenues for mutually reinforcing advocacy. Ensuring that special attention is paid to children affected by armed conflict in the implementation of the Sustainable Development Goals is essential and contributes, for instance, to the ending of abuse, exploitation, trafficking and all forms of violence against and torture of children (Goal 16), the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers (Goal 8) and access to quality education for children (Goal 4).

23. The complementary relationship was most recently highlighted in Security Council resolution 2427 (2018), which refers to the implementation of the 2030 Agenda and recalls the need to focus on combating poverty and inequality in order to protect children from grave violations, particularly in the context of conflict. Multi-stakeholder initiatives such as Alliance 8.7, launched by the International Labour Organization in 2015 to eradicate forced labour, modern slavery, human trafficking and child labour, are important vehicles for leveraging those areas of common ground and advancing the 2030 Agenda and the children and armed conflict agenda.

Ensuring adequate reintegration support for children affected by conflict

24. In a world facing multiple and complex crises, we still struggle to find adequate resources for the short and long-term support of children recovering from the trauma of war. Children formerly associated with armed forces or groups who have been released, self-demobilized or rescued face an uncertain future. If assistance is not forthcoming or is short-lived, those children run the risk of re-recruitment for a lack of alternatives, stigmatization for a lack of reconciliation and condemnation to a life in which survival takes precedence over aspirations for a lack of education. Increasingly, reintegration efforts are also slowed down by the cross-border nature of recruitment and use, as well as by the release of children in places far from their provenance.

25. Providing adequate, sustainable and reliably funded reintegration programmes is essential to ensuring that children affected by war, particularly those associated with parties to conflict, avail themselves of the necessary support to recover their lives and once again become members of their communities. Reintegration support must also be understood to be a crucial tool for preventing conflict. Children who receive targeted and long-term educational and psychosocial support can become agents of positive change and strengthen the grassroots fabric of peace. Increasing our efforts to utilize reintegration to break cycles of violence and address its cross-border nature through increased cooperation will be vital. In the course of the reporting period, the Special Representative has advocated broad-based support for reintegration funding that is sustainable, predictable and long-term. A dedicated project undertaken with UNICEF is determining universal resource needs for reintegration and evaluating potential coordination mechanisms for funding. The results of those efforts are scheduled to be presented during the high-level plenary meeting of the seventy-third session of the General Assembly in September 2018.

Moving towards regional, subregional and national prevention plans

26. Action plans developed with parties that are listed in the annexes of the annual report of the Secretary-General on children and armed conflict constitute a strong tool for accountability and catalysts for action. That should not, however, preclude the taking of additional measures to prevent grave violations even before discernible patterns of violations emerge. Public awareness and capacity-building aimed at preventing all six grave violations against children should be prioritised in any engagement with parties to conflict. Even when a violation has been contained or conflict subsides, national prevention plans can strengthen the preparedness and capacity of Governments to better protect children from being the first victims of violence. The Government of the Sudan is the first to have initiated the elaboration of a comprehensive national plan to prevent violations against children in situations of armed conflict.

27. Due to the persisting cross-border nature of violations against children, it is imperative that common standards and procedures be developed to prevent the use and abuse of children in, by and for armed conflict. Subregional and regional

prevention plans can be an essential tool for expediting the handover and release of children across borders and for better protecting them from recruitment and use in border areas. Such approaches can also accelerate efforts to reintegrate and reinsert children into society at the time of their release and when they receive comprehensive reintegration assistance.

Building a better understanding of child protection

28. In resolution 72/245, the General Assembly requested the Special Representative to increase her engagement with Member States, United Nations bodies and agencies, regional organizations and, in particular, subregional organizations and to increase public awareness-raising activities, including by collecting, assessing and disseminating best practices and lessons learned. Indeed, gaining a better understanding of challenges rendering children vulnerable in situations of armed conflict is both a central tenet of the mandate and a crucial prerequisite for effective responses.

29. Following a request made by the Security Council on 31 October 2017 (S/PRST/2017/21), the Special Representative initiated, together with relevant child protection actors, a process to compile best practices and lessons learned. Documenting the achievements and challenges of the past 20 years of the implementation of the mandate on children and armed conflict, the exercise is aimed at providing child protection actors on the ground with practical guidance and technical support to inform future action. Events such as the Arria-formula meeting entitled "Ending and preventing grave violations against children through action plans: best practices from African States", which was held on 7 May 2018, and the event organized by the Office of the Special Representative on 6 June on the reintegration of children formerly associated with armed groups and armed forces presented opportunities to exchange experiences and initiate the lessons learned process.

III. Commitments, action plans and dialogue with parties to conflict

A. Upcoming children and armed conflict campaign

30. Building on the momentum of the campaign "Children, Not Soldiers", conducted jointly with UNICEF, and responding to the continuing high levels of verified grave violations committed against children, the Special Representative is preparing the launch of a new campaign during Geneva Peace Week in November 2018 to revitalize the commitment of the international community to better protect children in situations of armed conflict.

31. The campaign is being developed in close consultation with United Nations and civil society partners and is designed to increase understanding of child protection in armed conflict and catalyse action to end and prevent all six grave violations. A further aim will be to enable the development of a set of informational and advocacy tools for use by the broader child protection community, interested Governments and parties to conflict, thereby harnessing collective action to end and prevent such violations.

B. Addressing grave violations by parties to conflict

32. Under the leadership of the Secretary-General and the Special Representative, the reporting period was marked by enhanced engagement with parties to conflict, at headquarters and in the field, which led to the signing of two new action plans to end

and prevent grave violations against children, the delisting of five parties from the annexes of the Secretary-General's annual report on children and armed conflict for specific violations and the adoption of protocols for the release and handover of children in Niger and the Sudan.

33. Sustained United Nations engagement with the Civilian Joint Task Force in Nigeria resulted in the signing of an action plan in September 2017 to end and prevent the recruitment and use of children in armed conflict. The group has since taken several steps, including the promulgation of a standing order to refrain from recruiting or using children, the initiation of a process to identify and release children in their ranks and the creation of five child protection units in Borno State to support cooperation with the United Nations at the local level. In the Central African Republic, the Mouvement Patriotique pour la Centrafrique signed an action plan in May 2018 to end and prevent the recruitment and use of children in armed conflict, killing and maiming, rape and other forms of sexual violence committed against them, as well as attacks on schools and hospitals. The action plan, which covers the four violations for which the Mouvement is listed, is the most comprehensive signed to date.

34. Where technical capacity and support coincided with the political will to implement action plans, important advances were achieved, leading to the delisting of four parties from the annexes of the Secretary-General's annual report for specific grave violations against children. The Armed Forces of the Democratic Republic of the Congo implemented the provisions of their action plan on ending and preventing the recruitment and use of children in armed conflict and were delisted in October 2017 with regards to that violation. Notwithstanding this important achievement, they have not yet completed the implementation of the provisions on ending and preventing sexual violence against children and remain listed for that violation. Regarding Yemen, following an exchange of letters with the coalition to restore legitimacy in Yemen, the Special Representative sent a technical mission to Riyadh to work with the coalition headquarters to review and improve mechanisms so as to better protect children. A significant improvement in relation to the protection of schools and hospitals, including through the creation of a child protection unit in the coalition headquarters, led to the delisting of the coalition for that violation. Notwithstanding this important achievement, the coalition remains listed for the killing and maiming of children and must continue efforts to prevent child casualties. In the Philippines, the Moro Islamic Liberation Front achieved the majority of benchmarks set out in its action plan prior to the reporting period in early 2017, including the disengagement of 1,869 children, the promulgation of a directive requiring regular self-monitoring and screening of armed elements as well as age-assessment guidelines. The armed group was subsequently delisted in October 2017.

35. In the Sudan, the implementation of the action plan to end and prevent the recruitment and use of children by the Sudanese Armed Forces was finalized in 2018, following three outstanding measures, including the adoption of standard operating procedures on the release and handover of children associated with armed groups, the adoption of a community-based complaint mechanism to report child recruitment and the initiation of an awareness-raising campaign on all grave violations against children. During her visit to the Sudan in February 2018, the Special Representative advocated the creation of a national prevention plan, which was welcomed by the Government at the open debate on children and armed conflict in July. In Colombia, as postulated in the peace agreement, the Revolutionary Armed Forces of Colombia-People's Army laid down its weapons, transformed itself into a political party and formally released 135 children between September 2016 and August 2017, leading to the delisting of the former armed group.

Strengthening governmental child protection architectures

36. Alongside the delisting of Government forces, important advances were achieved in strengthening national child protection structures through action plans and other commitments. Strengthening accountability mechanisms for grave violations against children was one key vector of action. In Afghanistan, amendments made by the Government to the Criminal Code entered into force in February 2018. It now contains provisions criminalizing the recruitment and use of children by armed forces and the practice of bacha bazi ("dancing boys"). Furthermore, in the reporting period, the establishment of all 34 provincial child protection units in Afghan National Police recruitment centres was finalized. They are mandated to screen out children during recruitment processes and thereby give effect to national legislation on child recruitment. In Somalia, in November 2017, the Ministry of Women and Human Rights Development began work to draft a bill on children's rights, signifying an important step towards the implementation of the Convention on the Rights of the Child, which the Government ratified in 2015.

37. In other country situations, such as Iraq, Myanmar and Yemen, action plans were revitalized or initial steps were taken to set up the necessary mechanisms for their development and implementation. In Iraq, the Government endorsed a national child protection policy and established a high-level interministerial committee on monitoring and reporting in order to better address grave violations against children. In Myanmar, 49 children were released from the Tatmadaw (Armed Forces) and discussions were held with the Special Representative on how to accelerate the implementation of the action plan to end child recruitment. In Yemen, steps were taken between February and June 2018 to put in place command orders on child protection and revitalize the action plan signed in 2014 between the Government and the United Nations to end and prevent the recruitment and use of children in armed conflict. That led to the establishment of a joint technical committee tasked with developing and implementing a roadmap to accelerate the implementation of the Government's child protection commitments. Recent advances included the finalization of a standard operational procedure on the handover and release of children.

Addressing grave violations by armed groups

38. Throughout the reporting period, interactions between the United Nations and a wide range of armed groups on child protection took place in Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Mali, Myanmar, Nigeria, the Philippines, South Sudan and the Sudan. Those interactions are a testament to how the children and armed conflict mandate can create political opportunities to engage with otherwise often elusive parties to conflict on child protection issues and generate concrete commitments.

39. Action plans remained a key tool for engaging with armed groups. In Mali, for instance, following the signing in March 2017 by the Coordination des mouvements de l'Azawad of an action plan to end and prevent grave violations against children, the group established focal points and defined priority activities, including the screening of troops, to identify associated children. In the Sudan, the Sudan People's Liberation Movement-North established an action plan committee and issued a command order prohibiting the recruitment and use of children in armed conflict. Similar command orders were also issued by the Sudan Liberation Army-Minni Minawi and the Justice and Equality Movement.

40. In Myanmar, the Kachin Independence Army, the Karenni Army, the Democratic Karen Benevolent Army, the Karen National Liberation Army Peace Council and the Shan State Army continued to engage with the United Nations on child protection issues with a view to formalizing their commitment to end and prevent the recruitment

and use of children in armed conflict. The Special Representative reiterates her call on the Government of Myanmar to facilitate the signature and implementation of action plans with listed armed groups in order to strengthen the protection of all children in the country.

41. Contact with listed armed groups beyond the remit of action plans also led to important advances. In the Central African Republic, engagement with the Union pour la paix en Centrafrique and the Front populaire pour la renaissance de la Centrafrique resulted in the promulgation of command orders barring the recruitment and use of children in armed conflict issued in September 2017 and May 2018 respectively. Both armed groups also appointed child protection focal points to further strengthen dialogue with the United Nations and make child protection decisions operational. In South Sudan, the United Nations and the National Disarmament, Demobilization and Reintegration Commission conducted several advocacy campaigns for the release of children associated with armed groups. In the first four months of 2018, 518 children, including 182 girls, were released in a first phase by the South Sudan National Liberation Movement and pro-Taban Deng Sudan People's Liberation Army in Opposition. The Special Representative is encouraged by those commitments, which can be leveraged on the way to obtaining more formal agreements, in particular action plans.

IV. Raising global awareness and mainstreaming

A. Field visits and awareness raising

42. Field visits and participation in international high-level events enabled the Special Representative and her Office to raise global awareness on issues of concern for the protection of children in armed conflict and advocate enhanced national protection mechanisms for children in countries on her agenda. The Special Representative travelled to Colombia in November 2017 to follow up on the implementation of the child protection provisions in the peace agreement and to urge the creation of adequate reintegration services for released children. She returned to Colombia in May 2018 to take part in a lessons-learned and best practices event on the prevention of child recruitment and the protection of children affected by armed conflict, organized jointly by the United Nations and the Government.

43. In February and March 2018, the Special Representative visited the Sudan, where she discussed the implementation of the action plan to end and prevent the recruitment and use of children in armed conflict with the authorities. She noted progress, notably the provision of access to military barracks for joint Government-United Nations monitoring and verification missions. The visit made it possible to identify remaining steps required to complete the action plan and reach agreement on immediate priorities and, thereafter, on accelerating final implementation. The Special Representative remains engaged with the Sudanese authorities, especially with regard to developing a national prevention plan focused on a broad range of child protection issues.

44. In May 2018, the Special Representative travelled to Myanmar to ascertain the level of implementation of the action plan to end and prevent the recruitment and use of children by the Tatmadaw and held constructive discussions with the Government, including on the completion of the existing action plan, the expeditious passage of the draft child law and the inclusion of child protection issues in the ongoing peace dialogue. She also advocated that the United Nations be afforded immediate and unrestricted access, in particular to Rakhine State, in order to document violations against children following the mass exodus of the Rohingya population to

Bangladesh. The Government assured her that access would be granted and a United Nations monitoring mission to the region is being planned. The high-level visit followed a technical mission by a specialized team of monitors to Cox's Bazar, Bangladesh, in November 2017, which was dispatched to document and verify alleged grave violations against children in the wake of the August 2017 violence in northern Rakhine.

45. As the leading United Nations advocate for the protection of conflict-affected children, the Special Representative travelled to Geneva in March 2018 to participate in the interactive dialogue on children and armed conflict and sit as a panel member at a side event on the Safe Schools Declaration, advocating better protection of education in situations of armed conflict. Earlier that month, she was invited to speak about children and armed conflict at the tenth session of the Global Child Forum in Stockholm, an opportunity to highlight the importance of including the voices of children in the development of protection mechanisms and prevention plans.

46. The displacement of children as a result of armed conflict has been a key focus for the Special Representative throughout the reporting period. She travelled to Geneva and Malta in March, May and July 2018 to meet representatives of United Nations agencies and Member States, including the President of Malta, of international and regional organizations, including the European Union, and non-governmental organizations (NGOs). Discussions focused on reinforcing joint efforts to address gaps between policy and practice regarding the issue of children on the move, including unaccompanied children.

B. Working with regional and subregional organizations

47. Regional and subregional actors have an essential role to play in multiplying child protection efforts, including by embedding international policies in regional agreements and commitments. They are also well placed to respond to the cross-border nature of grave violations and address the growing number of unaccompanied children on the move. Given the role those actors can play in putting child protection into effect, the Special Representative recently initiated or renewed exchanges with the Association of Southeast Asian Nations, the Economic Community of West African States, the Economic Community of Central African States and the Intergovernmental Authority on Development. Opportunities for similar engagement in the Middle East and North Africa region are also under way.

African Union

48. The Special Representative further deepened her engagement with the African Union, including in collaboration with the Special Adviser on Africa. In October 2017, the Special Representative participated in the eighth High-level Retreat on the Promotion of Peace, Security and Stability of the African Union, which was hosted by Chad in N'Djamena. Participants focused on multilateral cooperation and partnerships for peace and stability in Africa. The Special Representative highlighted the need for strengthened collective action by Member States and other partners to end and prevent grave violations against children in Africa. Engagement with the African Union, closely involving UNICEF, also facilitated the appointment of a senior child protection adviser by the African Union in January 2018, further strengthening the regional child protection architecture.

European Union

49. The strong partnership between the Special Representative and the European Union continued throughout the reporting period. In December 2017, representatives

of her Office and the European External Action Service met in Brussels and, in May 2018, the Special Representative addressed the Heads of Mission of the European Union to the United Nations in New York. On both occasions, discussions were held on ways of deepening cooperation between the European Union and the Office, including through the establishment in Brussels of a children and armed conflict liaison office to improve communications and outreach and boost fundraising efforts for child protection programming.

Joint Force of the Group of Five for the Sahel

50. The Special Representative engaged with the Government of Burkina Faso and other Member States and relevant stakeholders to advocate the inclusion of provisions focused on the protection of children in armed conflict in the operationalization of the Joint Force of the Group of Five for the Sahel, as well as the appointment of a child protection adviser. The Office of the Special Representative contributed to the Joint Force's international humanitarian law and human rights compliance framework and participated in a workshop held in Bamako on the provision of technical expertise to include child protection provisions in the framework.

North Atlantic Treaty Organization

51. The Office of the Special Representative continued to work with the North Atlantic Treaty Organization (NATO) to strengthen its child protection architecture. In September 2017, the Office participated in the first training session on children and armed conflict for NATO focal points, which was held in Izmir, Turkey. It was focused on the legal basis of the six grave violations against children. In December 2017, in Kabul, opportunities for deepening cooperation between the Resolute Support Mission and the United Nations in Afghanistan were discussed with the NATO Senior Child Protection Adviser. The Special Representative also supported the development of scenario-based training on children and armed conflict initiated by NATO. The Special Representative and her Office also worked with the Senior NATO Focal Point on Children and Armed Conflict on steps to deepen the mainstreaming of child protection, as initiated in the paper entitled "The Protection of Children in Armed Conflict — Way Forward", which was approved by the North Atlantic Council in 2015.

C. Building support with civil society

52. Building bridges with civil society organizations and academia on the issue of conflict-affected children remained a priority. The Special Representative participated in several events organized by international NGOs, including as a keynote speaker at the high-level event "OPAC turns 18" on 21 February, which was co-organized by Child Soldiers International. She also supported the participation of civil society spokesperson Yenny Londoño as a briefer at the open debate on children and armed conflict, held in the Security Council on 9 July.

53. The Special Representative and her Office held consultations with NGOs on the upcoming global campaign on children and armed conflict. The Special Representative doubled the number of annual briefings with New York-based organizations to exchange information on challenges and opportunities regarding the protection of children and explore ways to better promote areas of common interest. She also held collective meetings with specialized NGOs in Brussels, Geneva and London and remote briefings with Member States and civil society organizations, including for the event "How to better protect children in armed conflict", which was held in February 2018 by Save the Children International in Munich, Germany.

D. Building support on partnerships with United Nations mechanisms and international organizations

54. The Special Representative continued to leverage her role as a key advocate for children's rights to foster international cooperation with a view to improving the protection of children. In that regard, the Special Representative, in cooperation with the Permanent Mission of Sweden to the United Nations, the Department of Peacekeeping Operations and UNICEF, held a side event on 19 September 2017, in the course of the seventy-second session of the General Assembly, to highlight the unique role of child protection actors in conflict situations. Member States expressed their support for the mandate and underlined the importance of maintaining child protection capacity in peace operations.

55. The Special Representative also worked intensively with the Security Council. On 9 July 2018, she briefed the Council during its open debate on children and armed conflict and presented the Secretary-General's annual report on children and armed conflict. Representatives of 89 Member States addressed the meeting, overwhelmingly expressing their support for the mandate and underlining the crucial role of child protection in sustaining peace. On the same day, the Security Council adopted resolution 2427 (2018), in which it reaffirmed the importance of the Special Representative's role in contributing to conflict prevention. During the reporting period, the Special Representative briefed the Working Group on Children and Armed Conflict on specific country situations, issued country reports on Myanmar, Mali and the Democratic Republic of the Congo, briefed the Security Council on the situation of children and armed conflict in the Kasais (July 2017), the Sudan (March 2018) and the Syrian Arab Republic (July 2018) and provided the sanctions committees with information regarding the six grave violations in the Democratic Republic of the Congo and South Sudan. Her Office also helped to prepare the visit of the Working Group to the Sudan, which took place from 26 to 29 November 2017.

56. Regular communication with the Human Rights Council to raise awareness and address violations of the rights of children in situations of conflict continued during the reporting period. On 6 March, the Special Representative presented her annual report to the Council, informing it about denial of humanitarian access and trafficking and setting forth her vision on how to increase awareness of and action regarding the six grave violations against children. Her Office continued to support universal periodic review processes by providing information on the six grave violations and progress made in the countries on her agenda. Dialogue with the Committee on the Rights of the Child continued on enhancing the sharing of information and efforts to implement more strictly the Convention on the Rights of the Child and its optional protocols. To that end, the Special Representative held bilateral meetings with Member States and briefed regional organizations, civil society and regional groups. During the reporting period, the Central African Republic ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, bringing the total number of States parties to 167.

57. The Special Representative also continued her engagement with other United Nations entities, including UNICEF, the Department of Peacekeeping Operations, the Department of Political Affairs, the Office of the United Nations High Commissioner for Human Rights and the Office for the Coordination of Humanitarian Affairs, and strengthened outreach with the Special Representatives of the Secretary-General on Violence against Children and Sexual Violence in Conflict.

58. Cross-cutting issues relevant to the children and armed conflict mandate remained an important entry point for mainstreaming child protection concerns. In that regard, the Special Representative continued to treat the issue of sexual

exploitation and abuse by United Nations peacekeepers as a matter of priority, including by regularly engaging with the high-level steering group and the Victims' Rights Advocate. The Special Representative also co-convened two informal meetings on the issue of foreign fighters and their families with a broad range of United Nations actors and her Office held discussions on the denial of humanitarian access and ways of holding its perpetrators to account.

59. Initiatives by Member States continued to provide key opportunities for advocating better protection of children in armed conflict. In that regard, the Special Representative underscored, in various forums, the importance of enabling unimpeded access to education by better protecting schools, schoolchildren and teachers. Notably, she called on Member States to endorse the Safe Schools Declaration during her speech at an Arria-formula meeting on the issue of attacks on schools, which was organized by France, Italy, Sweden and Uruguay and held in October 2017 in the Security Council, at the launch in May 2018 of the report by the Global Coalition to Protect Education from Attack entitled "Education under Attack" and at the side event on "Harnessing the power of quality education to prevent violent extremism", which was organized by Belgium, Qatar and the Education Above All Foundation on the margins of the High-level Conference of Heads of Counter-Terrorism Agencies of Member States under the theme of "Strengthening international cooperation to combat the evolving threat of terrorism", which was held on 28 and 29 June 2018. The Special Representative continued to encourage Member States to endorse the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (the Paris Principles) and her Office, as an active member of the Paris Principles steering group, continued to support their implementation. The Office also supported the development of the Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers, which were adopted by 65 Member States at the United Nations Peacekeeping Defence Ministerial conference, which was held on 14 and 15 November 2017 in Vancouver, Canada. The principles are a key means of prioritizing and further implementing child protection in the framework of United Nations peacekeeping operations.

V. Recommendations

60. **The Special Representative calls upon Member States to protect children caught up in conflict in line with international humanitarian, human rights and refugee law, particularly in the context of countering terrorism and violent extremism.**

61. **In view of the continuing high levels of cross-border recruitment and the subsequent challenges in terms of the repatriation and reintegration of children separated from armed forces or groups, the Special Representative calls upon Member States and regional and subregional organizations to engage closely with the United Nations to ensure a coordinated response based on international law and in the best interests of the child.**

62. **The Special Representative expresses her concern regarding the deprivation of liberty of children, including those of foreign nationality, for their alleged association with armed forces or groups and calls upon Member States to respect their primary status as victims and prioritize alternatives to detention focused on averting further stigmatisation and enabling their rehabilitation and reintegration and to use detention only as a last resort and for the shortest possible period of time.**

63. **The Special Representative recalls the importance of fostering international political commitment to move towards preventing grave violations**

against children. In that regard, she encourages Member States and regional and subregional organizations to engage with the United Nations to support efforts led by her Office, including the elaboration of prevention plans aimed at systematizing preventive measures, and the collection, assessment and dissemination of best practices and lessons learned on children and armed conflict.

64. **With a view to supporting the broader prevention efforts of the United Nations, the Special Representative emphasizes the importance of ensuring appropriate child protection capacity in situations on the children and armed conflict agenda, reminds Member States that the reintegration of children is crucial to ensuring the sustainability of peace and security and calls upon members of the General Assembly to provide the political, technical and financial support necessary for such efforts.**

65. **Recalling that a strong focus is needed on combating poverty and inequality in order to prevent grave violations and protect children from them, particularly in the context of conflict, the Special Representative calls upon the General Assembly to ensure that special attention is paid to children affected by armed conflict in the implementation of the Sustainable Development Goals.**

66. **The Special Representative urges Member States that have not done so to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and to enact effective national legislation and policies to criminalize the recruitment and use of children by armed forces and groups.**

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voulé, submitted in accordance with Human Rights Council resolution 32/32.

* A/73/150.

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Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association

Summary

In the present report, the Special Rapporteur on the rights to freedom of peaceful assembly and of association addresses the linkages between the exercise of the rights to freedom of peaceful assembly and of association and the implementation of the 2030 Agenda for Sustainable Development.

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I. Introduction

1. The present report is submitted to the Human Rights Council by the Special Rapporteur on the rights to freedom of peaceful assembly and of association pursuant to Human Rights Council resolution 32/32. This is the first thematic report of the Special Rapporteur to the General Assembly and his second thematic report since he took up his functions on 4 April 2018.

2. In the report, the Special Rapporteur seeks to stress and study the existing linkages between the exercise of the rights to freedom of peaceful assembly and of association and the implementation of the 2030 Agenda for Sustainable Development.

3. In preparing the report, the Special Rapporteur gathered information from different stakeholders. He is particularly grateful for the inputs received within a very tight deadline from Member States, United Nation agencies, civil society organizations and national human rights institutions.

4. In view of the forthcoming theme of the high-level political forum in 2019 on the theme "Empowering people and ensuring inclusiveness: peaceful and inclusive societies, human capital development and gender equality",[1] the Special Rapporteur considers that the present report is an initial contribution to the current international discussions on sustainable development and that it is timely and in line with the coherent, efficient and inclusive follow-up and review nature of the Agenda.

II. Exercise of the rights to freedom of peaceful assembly and of association and the implementation of the 2030 Agenda

5. By adopting the 2030 Agenda for Sustainable Development, States re-established a new call for action to change the world with a transformative vision for development. The 2030 Agenda recognizes "the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights (including the right to development), on effective rule of law and good governance at all levels and on transparent, effective and accountable institutions".

6. In moving beyond the Millennium Development Goals and seeking to address their unfinished business, States included in the Agenda goals that are related to issues of civil and political rights, including the pledge to create more peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (Goal 16). In particular, target 16.10 focuses on fundamental freedoms, which includes the rights to freedom of peaceful assembly and of association.

7. The Special Rapporteur underlines that the rights to freedom of peaceful assembly and of association are indivisible from other human rights. They are instrumental to achieve the full enjoyment of other human rights as they enable the exercise of a number of civil, political, economic, social and cultural rights. Similarly, the Sustainable Development Goals set out in the 2030 Agenda seek to realize the enjoyment of human rights for all by recognizing that the dignity of the human person is fundamental and that equality, inclusiveness and non-discrimination are achieved through participation.

8. The exercise of the rights to freedom of peaceful assembly and of association are essential for the achievement of the Sustainable Development Goals in every

[1] See A/70/684.

State. Democracy, good governance, respect for human rights and the rule of law are pillars on which the rights to freedom of peaceful assembly and association are built and can flourish to achieve sustainable development. The rights of freedoms of peaceful assembly and of association enable people to communicate, mobilize, organize and connect, favouring solidarity and partnerships and contributing to shaping public opinion and decision-making, thus constituting real drivers of change.

9. These rights ensure that people have a voice and are able to organize collectively around shared interests. Their action in the social domain is particularly important because they help to tackle the barriers of exclusion, a key objective of the 2030 Agenda.

10. The Agenda acknowledges the prominent role that civil society plays in its implementation. Civil society's effective action and impact is concomitant to the enjoyment of the rights of freedom of peaceful assembly and of association, which makes it possible to open spaces for empowerment, participation, inclusion, transparency and accountability.

11. This approach is consistent with the view of the Special Rapporteur, who has stressed that civil society is an essential actor in fostering sustainable development,[2] and with the 2030 Agenda, which presents itself as "of the people, by the people and for the people". In this respect, the success of the implementation of the Agenda is dependent on the space available to civil society for its voice to be heard without fear and interference.

III. Exercise of the rights to freedom of peaceful assembly and of association for the realization of the 2030 Agenda

12. In this section, the Special Rapporteur explores five areas where the exercise of the rights to freedom of peaceful assembly and of association is crucial in the implementation of the 2030 Agenda.

A. Enabling environment for civil society as a prerequisite for the implementation of the 2030 Agenda goals

13. The 2030 Agenda envisions a key role for civil society in the achievement of the Sustainable Development Goals. Civil society is both a means to ensuring social participation in its implementation and the beneficiary of the promise of the Goals "to end poverty and hunger everywhere; to combat inequalities within and among countries; to build peaceful, just and inclusive societies; to protect human rights and promote gender equality and the empowerment of women and girls; and to ensure the lasting protection of the planet and its natural resources".

14. The exercise of the rights of freedom of peaceful assembly and of association contributes to the strengthening of an inclusive and effective system of checks and balances inherent to democracy and essential for societies in which power is held to account. The guaranteed enjoyment of these rights constitutes a precondition for the active participation of individuals and civil society actors in decision-making at all levels of government, which is particularly relevant to the ability of civil society to engage in implementing Goal 16 of the Sustainable Development Goals.

15. Under the mandate of the Special Rapporteur, when examining and comparing the treatment between (non-profit) associations and businesses, five areas were

[2] See A/69/635; A/HRC/35/28 and A/HRC/72/135.

identified as essential to build an enabling environment for associations: (a) entry procedures and dissolution processes; (b) the regulation of operations; (c) access to resources; (d) political influence and access to power; and (e) conducting peaceful assemblies.[3] These areas are equally relevant in the context of the 2030 Agenda and remain important in achieving all goals and targets.

16. The overall conditions for civil society participation and action are considered as enabling when the environment, composed of legal norms and practices, respects the fundamental freedoms to peaceful assembly, association, expression and the protection of human rights defenders.[4]

17. The use of public space, participation in public debate and the possibility of organizing associations all contribute to enabling civic space within the framework of the Sustainable Development Goals, which provides for peaceful, inclusive and just societies with effective, accountable and inclusive institutions.

18. This entails the rights of individuals to organize in groups or form associations, to be free to decide on their internal governance in a way that would help them most effectively to reach their mission and, where needed, also to engage their constituencies without fear of repercussion.

19. Freedom of peaceful assembly should also be guaranteed, as peaceful assemblies play a vibrant role in mobilizing the population and formulating grievances and aspirations, facilitating the celebration of events and, importantly, influencing public policy.[5] This remains relevant when looking into the implementation of the 2030 Agenda.

20. The mobilization of financial resources is mentioned throughout the Agenda and in specific Goals and targets. This includes access to resources for civil society organizations, which should be able to raise sufficient funds to operate and engage meaningfully in participatory national, regional and international processes. In that regard, an enabling legal framework should make it possible to have access to domestic and/or foreign funding without prior authorization and without formal constraints being imposed on the process, with the possibility of tax-benefits and raising funds from the public without administrative burdens.

21. In implementing the 2030 Agenda, the Special Rapporteur strongly believes that an important component for creating an enabling environment is recognizing the intrinsic value of civil society and creating meaningful and institutionalized spaces where their diverse and pluralistic voices can be heard and valued in contributing to the achievement of all of the Goals.

22. In sum, an enabling environment for civil society contributes to democracy and to development in equal measure, and development is interlinked with the realization of human rights in a way that the enjoyment of such rights supports the achievement of the three dimensions of sustainable development: economic, social and environmental.

B. Participation and inclusiveness in the implementation of the Sustainable Development Goals

23. The elimination of discrimination is important for the achievement of full participation and inclusiveness in the 2030 Agenda process, particularly because of

[3] See A/70/266.
[4] See A/HRC/27/29.
[5] See A/HRC/20/27.

the pledges to "leave no one behind". This evokes the participation of all stakeholders and all people of all countries.

24. The pledge also evokes a fundamental human rights norm: that of participation in decision-making, in which stakeholders are recognized as having a right to participate meaningfully in the development, implementation and monitoring of policies that affect them.[6]

25. Similarly, article 25 of the International Covenant on Civil and Political Rights protects every individual's right, without distinction or unreasonable restriction, to, inter alia, take part in the conduct of public affairs, directly or through freely chosen representatives. The Human Rights Committee recognizes that the full enjoyment of those rights depends on the free communication of information and ideas about public and political issues between citizens and their representatives, and that this requires the free exercise of the rights to peaceful assembly and of association among other rights.[7]

26. The right to participate in the conduct of public affairs is a broad concept that aims at people being fully involved in and able to effectively influence public decision-making processes that affect them. Rights regarding public participation envisage consultation at each phase of the legislative drafting and policymaking processes, as well as the ability and space to voice criticism and to submit proposals aimed at improving the functioning and inclusivity of all governmental bodies engaged in the conduct of public affairs.[8]

27. The possibility to organize or join peaceful assemblies and to form or join associations is crucial to empower and mobilize people around an issue, to formulate grievances and aspirations and to influence public policy decisions. In other words, those rights are crucial for effective public participation.

28. The Special Rapporteur emphasizes the need for clear and consistent rules of engagement for effective civil society participation in the framework of the implementation of the 2030 Agenda. The availability of resources to facilitate such participation and the inclusion of a wide range of civic actors, including social movements, and a wide range of interventions, including protests and demonstrations, is essential to create an inclusive atmosphere that leaves no voice unheard.

29. The principles to which States committed themselves in the 2030 Agenda significantly overlap with human rights norms. For example, the commitment to "leave no one behind" and Goal 5 of the Sustainable Development Goals, to achieve gender equality and empower all women and girls, as well as Goal 10, aimed at reducing inequality within and between countries, reflect the human rights principle of non-discrimination and equality.

30. Dismantling discrimination means addressing structural root causes that keep people in poverty and marginalize or exclude them through laws, policies and social practices, to which human rights technical cooperation and capacity-building can contribute.[9] The intention to focus on the poorest, most vulnerable and those furthest behind corresponds to a focus on substantive discrimination, which recognizes that groups of individuals may suffer historical or persistent prejudice and that States are

[6] See Committee on Economic, Social and Cultural Rights, general comment No. 18 (2005) on the right to work, para. 42.

[7] See Human Rights Committee general comment No. 25 (1996) on participation in public affairs and the right to vote.

[8] See A/HRC/27/29, para. 21.

[9] See A/HRC/38/28, para. 32.

obliged in some cases to adopt special measures to eliminate these conditions that perpetuate discrimination.[10]

31. The Special Rapporteur highlights that, in the national follow-up and progress review processes, broad consultation should be led by States by reaching out and considering a wide range of multi-stakeholder actors, including civil society representatives at the grass-roots level, for its effective participation.

32. The Special Rapporteur recognizes that national human rights institutions also play an important role in coordinating the participation of a large number of stakeholders, as they are uniquely placed to play a bridging role between different types of stakeholders, including Governments, civil society, development partners, businesses, United Nations agencies, etc. as reaffirmed in the Merida Declaration, adopted by such institutions, which is grounded on the understanding of human rights and the 2030 Agenda as mutually reinforcing frameworks.[11]

33. By exercising the rights to freedom of peaceful assembly and of association, the key actors in the 2030 Agenda are allowed greater participation and inclusiveness, including through the empowerment of the most marginalized, underrepresented and vulnerable individuals, groups and populations.

C. Transparency and accountability as key components of the 2030 Agenda

34. Primary responsibility for the follow-up to and review of the 2030 Agenda is vested in Governments, to be undertaken at the national, regional and global levels, with the high-level political forum holding the central role at the global level (see para. 47 of the Agenda). The follow-up and review processes should promote accountability and will be guided by a number of principles, including inclusiveness, participation, transparency, a people-centred approach, gender-sensitivity, respect for human rights and a focus on the poorest, most vulnerable and those furthest behind (ibid., para. 74 (d)–(e)). The follow-up and review processes are also voluntary and country-led (Ibid., para 74 (a)) and to that end countries submit voluntary national reports in line with annual thematic priorities identified by the high-level political forum.

35. One of the shortcomings identified in the Millennium Development Goals was weak accountability, due to a lack of clear responsibilities among the actors. That meant that the beneficiaries of the achievement of those Goals could not meaningfully engage in shaping decisions, and there were no significant consequences for not achieving the predominantly aspirational goals. In addition, it was difficult to hold industrialized countries accountable for the commitments they had made to the global partnership for development and for the transnational human rights impact of their development, aid, trade and investment policies.[12]

36. Accountability entails responsibility for specific results. From a human rights-based perspective, those specific results emanate from human rights entitlements and corresponding obligations. Rights-holders need to be able to demand and monitor the implementation of programmes for the desired results. Here too, the ability to

[10] Committee on Economic, Social and Cultural Rights, general comment No. 20 paras. 8–9.

[11] Available at https://nhri.ohchr.org/EN/ICC/InternationalConference/12IC/Background%20Information/Merida%20Declaration%20FINAL.pdf.

[12] Office of the United Nations High Commissioner for Human Rights and Center for Economic and Social Rights, *Who will be accountable? Human rights and the post-2015 development agenda* (New York and Geneva, 2013), available at www.ohchr.org/Documents/Publications/WhoWillBeAccountable.pdf.

mobilize through the exercise of the rights to freedom of peaceful assembly and of association is important. The accountability arrangements of the 2030 Agenda fall short of being binding, human rights standards as they are voluntary and Government-led. Nevertheless, the high-level political forum has been mandated by Member States to build on existing reviews and reporting mechanisms, including reports and recommendations from the Human Rights Council, its mechanisms and subsidiary bodies.

37. The Special Rapporteur believes that participatory review processes at the national level, at which civil society plays an integral role, bolster transparency and accountability for results and, consequently, the exercise of the rights to freedom of peaceful assembly and of association enables civil society to contribute effectively to an open monitoring of the implementation of the Sustainable Development Goals.

38. One good example of how Governments can empower people and promote civil society participation in the implementation of the 2030 Agenda is the Escazú Agreement on access to information, public participation and justice in environmental matters, adopted in March 2018 by 24 countries of Latin America and the Caribbean. The Agreement develops Principle 10 of the Rio Declaration on Environment and Development, which stated that the best way to deal with environmental matters was though the effective participation of all people. The Agreement is also the first binding instrument to offer a specific regimen of protection for environmental human rights defenders and their organizations. While the Agreement promotes citizen participation, the negotiating process also saw the public participate directly by way of electing representatives from the public to have a seat at the negotiating table and present proposals to delegates.[13]

39. Participatory budget programmes in Jordan, organized by the non-profit organization Partners-Jordan, are another example of collaborative endeavours that enable communities, civil society organizations and local governments to engage in local governance. The programmes have resulted in the reallocation of funds to the priority areas identified by citizens and have enabled citizens to hold their municipal governments accountable if services are not implemented.[14] The programmes promote civic participation and accountability of government institutions, in line with the achievement of Goal 16 of the Sustainable Development Goals.

40. The call for indicators and disaggregated statistical data to monitor progress in achieving the Sustainable Development Goals is important for accountability purposes. Some countries, such as Kenya, Nepal, the Philippines, Samoa and Zimbabwe, have already flagged challenges related to inadequate disaggregated data.[15] There is a need for collaborative, creative, innovative, efficient and cost-effective approaches to monitoring and data collection. Having multiple sources of such data collection and monitoring, including non-governmental organizations (NGOs), not only helps to fill in data gaps from among otherwise excluded groups, but also contributes to the relevance and disaggregation of data, empowers rights-holders and vulnerable groups and helps to resolve privacy concerns.[16]

41. The Special Rapporteur recognizes the role that national human rights institutions can play as monitoring and accountability institutions. He notes that the Merida Declaration encourages such institutions to collaborate in mutual capacity-building and sharing of experiences to contribute to a human rights-based approach

[13] Submission by the Civic Space Initiative, July 2018.

[14] Submission by the Community of Democracies, July 2018.

[15] See Voluntary National reports at https://sustainabledevelopment.un.org/vnrs/.

[16] Danish Institute for Human Rights, *Human rights and data: Tools and resources for sustainable development* (Copenhagen, 2017), p. 39, available at: www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/udgivelser/sdg/data_report_2016.pdf.

to implementing the 2030 Agenda. Such institutions can play a number of roles, for example: to promote transparent and inclusive participation and consultation; to monitor the progress of strategies in achieving the Sustainable Development Goals; to engage with and hold Governments to account for poor or uneven progress through their reporting to parliaments, the general public and national, regional and international mechanisms; and to facilitate access to justice, redress and remedy for those who experience abuse or violation of their rights through various justice mechanisms.[17]

42. From the Special Rapporteur's perspective, the central principles of the 2030 Agenda, as discussed above, rely significantly on civil society engagement. Civil society already plays a significant role in human rights monitoring, as well as in reporting to the various international and regional human rights mechanisms, supporting country visits, raising awareness of particular situations, delivering statements, presenting alternative reports, etc.

43. Similarly, civil society is engaged in monitoring the Sustainable Development Goals in various ways, for example by participating in the preparation of the voluntary national review reports. A number of countries, including Botswana, Ecuador, Ethiopia, Germany, the Lao People's Democratic Republic and Poland, organized consultations with a variety of stakeholders in preparing their reports, including non-profit associations, international NGOs, United Nations agencies, development partners, academia and the private sector.

44. Similarly, a number of Governments, such as those of Albania, Hungary, Jamaica, Lebanon, Mali, Mexico and Slovakia (see E/HLPF/2018/5), as well as Botswana, Brazil, Finland, Indonesia and Thailand, have established multi-stakeholder committees that include key government institutions, the business community, civil society, academia and international organizations, including United Nations agencies, to provide leadership and coordination for the implementation of the Sustainable Development Goals.

45. Other countries, such as Afghanistan, Bahamas and Colombia, have expressed a commitment to formalizing their engagement with stakeholders such as civil society in their implementation efforts. In countries such as Australia and Malta (see E/HLPF/2018/5), as well as Azerbaijan, Chile and Cyprus, civil society is engaged in raising awareness around the Sustainable Development Goals, forming partnerships and addressing the risks and opportunities inherent in the 2030 Agenda. In Botswana, civil society has translated the Goals into the local language, while the Government of France has involved civil society and other stakeholders, on the understanding that deepening democracy is one of the best responses to the rise of all forms of radicalism and exclusion.

46. The enabling character of such rights foster groups and individuals to play their role as contributors to and watchdogs of the implementation of the Goals.

D. Partnerships with civil society

47. The 2030 Agenda places great emphasis on there being a global partnership working in the spirit of global solidarity. In so doing, it recognizes that it is not feasible for States to successfully implement the Agenda without joint collaboration with other stakeholders.

48. In the Special Rapporteur's view, a thriving civil society that is able to exercise the rights to assemble and associate freely plays a crucial role within that partnership.

[17] Ibid., p. 51.

considering its contributions to sustainable development. Those contributions include: producing and analysing data; reviewing and shaping development policies based on their technical expertise; ensuring that the voices of marginalized and vulnerable populations are taken into account; providing access to remote locations and underserved populations; shedding light on ignored or underserved goals and pushing for action; and raising awareness and bringing stakeholders together to tackle development challenges, including the Sustainable Development Goals.

49. The Gheskio Center, an NGO in Haiti that provides primary health-care services as well as research and training, is an example of a civil society organization that works in close collaboration with the Government to develop a sustainable health system in a country that is plagued by humanitarian health crises associated with natural disasters. The collaboration resulted in a 50 per cent decrease in infant mortality by the mid-1990s and, more recently, reduced the rate of HIV transmission from mother to child to less than 5 per cent as at 2009.[18] The partnership has seen improvements in people's overall health and responded to Goals 3 and 4 of the Sustainable Development Goals, related to good health and well-being and infrastructure development through training and education tools, respectively.

50. In Thailand, the Government has partnered with civil society to design the methodology and processes for prioritizing the targets of the Sustainable Development Goals taking into account the local context. It has also established a social enterprise in every province that promotes and strengthens the work of social enterprises, civil society organizations and volunteers. A range of stakeholders, including the private and public sectors, academia, civil society and community members, works together to build the community's economy and sustainable well-being of the people.

51. The Special Rapporteur notes the value of some spaces, such as the Global Deal platform, a multi-stakeholder partnership that brings together Governments, businesses and employers' organizations, trade unions, international organizations and associations representing civil society, around the shared objective of developing and harnessing the potential of social dialogue and sound industrial relations as instruments for promoting quality work in line with Goal 8, on decent work and economic growth, and for fostering greater equality and more inclusive growth in line with Goal 10, on reduced inequalities.

52. As a concrete operational tool to the 2030 Agenda, the partnership launched a report [19] that asserts that enhanced social dialogue can create "win-win-win" opportunities in which more inclusive labour markets and economic growth lead to better socioeconomic outcomes and greater well-being for workers, improved performance for businesses and restored trust for Governments.

53. Another example of partnerships is the Open Government Partnership, which offers an opportunity for formal engagement between civil society, Governments and other key stakeholders on the process of implementing the Goals. In addition to principles such as transparency, civic participation, accountable public institutions and technological innovation shared by the 2030 Agenda, the Partnership aims to secure concrete commitments from Governments to promote transparency, empower citizens, fight corruption and harness new technologies to strengthen governance.[20] At the domestic level, the Partnership can provide a valuable example on how to secure the engagement of civil society in work related to the Sustainable Development Goals. It provides a platform for civil society and Governments to work together to

[18] Submission of the Community of Democracies, July 2018.

[19] Available at www.theglobaldeal.com/app/uploads/2018/05/GLOBAL-DEAL-FLAGSHIP-REPORT-2018.pdf.

[20] www.opengovpartnership.org/about/about-ogp.

create, implement and monitor country commitments in numerous development areas, such as the environment, health and gender. Such commitments typically involve boosting citizens' access to information and decision-making in these areas, as well as non-discriminatory access to relevant public goods and services.

54. Within this framework, in 2017, Slovakia adopted a National Action Plan for the implementation of the Goals, including the participation of relevant actors such as NGOs and civil society. With the participation of civil society, a series of national priorities for implementing the 2030 Agenda was adopted one year later. Those priorities will serve as a basis for a national development strategy for the period to 2030, which is expected to be adopted by the second quarter of 2019. The development process of the strategy follows the participative process already established during the development phase of national priorities, with the active engagement and cooperation of NGOs and civil society actors, as well as the public.

55. Partnerships with the private sector have been given a prominent role in the implementation of the 2030 Agenda. This must be premised on the protection of the rights to freedom of peaceful assembly and of association and corporate accountability, based on the Guiding Principles on Business and Human Rights, the Organization for Economic cooperation and Development Guidance on Due Diligence for Responsible Business Conduct [21] and the International Labour Organization (ILO) Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.[22]

56. Regarding the establishment of partnerships, the Special Rapporteur wishes to echo the need to broaden the frame of focus when considering the key actors with whom to engage, while ensuring that fundamental freedoms are protected and consolidated. For example, in Slovakia and Switzerland, among other countries, there is an effort to involve parliament more closely in the 2030 Agenda processes. In Greece, the intention is to engage the Hellenic Parliament in the overall follow-up and review processes of the implementation of the Goals. In Mali, a parliamentary committee was established to monitor and evaluate the Goals.

57. Furthermore, the Office for Democratic Institutions and Human Rights has begun to look at the role of local government and municipal authorities as key actors in many countries in facilitating and enabling rights at a practical level, but which are often ignored during the development of training and capacity-building programmes, when the focus is instead on the Government and on the police. In that regard, the Special Rapporteur considers that local government and municipalities should be given more consideration when developing democratic capacity and could be a key factor in promoting and enabling the work on implementing the 2030 Agenda (Goal 17), including the local civil society representatives that work with them.

E. Supporting labour rights in the implementation of the Sustainable Development Goals

58. In the labour sphere, the exercise of the rights to freedom of peaceful assembly and of association is equally critical for the achievement of all of the Sustainable Development Goals, as it permits workers and employers to form and join unions and enter into dialogue and negotiations not only at the workplace but also when it comes to development policies that foster equitable social and economic progress and inclusivity.[23]

[21] www.oecd.org/investment/due-diligence-guidance-for-responsible-business-conduct.htm.

[22] www.ilo.org/empent/areas/mne-declaration/lang--en/index.htm.

[23] Submission of the International Trade Union Confederation (ITUC).

59. ILO, as the only global tripartite institution, plays a unique role in setting standards on fundamental principles and rights at work. The core ILO conventions include the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), which calls on States to prevent discrimination against trade unions, protect employers' and workers' organizations against mutual interference, and promote collective bargaining; and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which protects workers who are exercising their right to organize, upholds the principle of non-interference between workers' and employers' organizations and promotes voluntary collective bargaining. Those foundational rights are essential to the protection of other core labour rights. States that are members of ILO are obliged to respect the principles of freedom of association, whether or not they have ratified the appropriate conventions.[24]

60. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights both explicitly protect the right to form and join trade unions. International human rights law also imposes upon States a duty to actively promote, encourage and facilitate the enjoyment of fundamental rights, including labour rights.[25] Furthermore, the notion that States should promote trade unionism among workers is implicit in the International Covenant on Economic, Social and Cultural Rights. States must take measures to ensure that third parties do not interfere with union rights.[26]

61. In the world of work, freedom of association and the effective recognition of the right to collective bargaining go hand in hand. Both are fundamental principles and rights at work which, in accordance with the ILO Declaration on Fundamental Principles and Rights at Work, requires Member States to respect, promote and realize these rights, irrespective of region, level of economic development or whether they have ratified the relevant conventions.[27]

62. These rights and social dialogue are closely related to the pledges made in the 2030 Agenda that aim to create the conditions necessary for sustainable, inclusive and sustained economic growth, shared prosperity and decent work. They are also important for building dynamic, sustainable, innovative and people-centred economies, and are pillars in building and fortifying democratic processes, which are in turn the cornerstone of sustainable development.

63. According to ILO, social dialogue includes all types of negotiation, consultation and information-sharing among representatives of Governments, social partners or between social partners on issues of common interest relating to economic and social policy.[28]

64. In the context of the Sustainable Development Goals, the link between the exercise of these rights, social dialogue and the contribution of trade unions to the decision-making processes can have far-reaching implications on consensus-building and social cohesion, facilitating effective policy implementation, fostering socioeconomic progress and constituting a governance instrument for sustainable development, representing a key means of implementing the 2030 Agenda.

65. In that regard, the Trade Union Development Cooperation Network of the International Trade Union Confederation (ITUC) has conducted three case studies in Ghana, Uruguay and Indonesia, demonstrating the important contributions workers

[24] See A/71/385, para. 57.
[25] See A/70/266, para. 4.
[26] See A/71/385, para. 55.
[27] Submission of the International Labour Office, July 2018.
[28] International Labour Office (ILO), "Social Dialogue", available at www.ilo.org/public/english/dialogue/download/brochure.pdf.

can make to sustainable development where their rights are guaranteed in an enabling environment.[29]

66. The Ghana case study puts forward the role of institutionalized social dialogue in increasing minimum wages and highlights the way that other forms of social dialogue, including consultations and discussions with trade unions, have contributed to the elaboration of the Poverty Reduction Strategy and national policies on employment, young people and social protection. In Uruguay, the study emphasizes the opening of space to implement structural reforms dealing with social policy (social protection and social security coverage) and economic policy (raising of wages) through social dialogue, resulting in reductions in poverty and inequality levels. In the case of Indonesia, the role of social dialogue is focused on the reform of social security laws to cover the whole population, including workers in the informal economy. It describes the importance of social dialogue for the formulation of the two ILO Decent Work Country Programmes, but also touches upon the contribution of social dialogue to minimum wage increases prior to the regressive reforms undertaken in late 2015.

67. All of the above case studies relate to the achievement of Goal 1, on ending poverty in all its forms everywhere; Goal 5, on achieving gender equality and empowering all women and girls; Goal 8, on promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; Goal 10, on reducing inequality within and among countries; and Goal 16, on peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels.

68. The right to freedom of association constitutes a prerequisite to the full development of free collective bargaining, which can lead to important positive outcomes in relation to inequality, poverty reduction and social and economic progress. The exercise of these fundamental rights depends on the existence of an enabling environment where trade unions can participate through social dialogue in decision-making processes with respect to socioeconomic development questions.

IV. Challenges faced by civil society actors in contributing to the implementation of the Sustainable Development Goals

69. The closing of civic space is characterized by States increasingly placing restrictions on civil society, impeding the rights of individuals and groups to exercise freely their rights to peaceful assembly, free association and open self-expression. The mandate of the Special Rapporteur has over the years documented numerous ways in which those rights have been impeded by State as well as non-State actors.

70. In his most recent report,[30] the Special Rapporteur identified eight global trends with regard to restrictions in the exercise of the rights to freedom of peaceful assembly and of association, namely: (a) the use of legislation to suppress the legitimate exercise of freedom of peaceful assembly and of association; (b) the criminalization of and indiscriminate and excessive use of force to counter or repress peaceful protest; (c) the repression of social movements; (d) the stigmatization of and attacks against civil society actors; (e) restrictions targeting particular groups; (f) limitations on rights during electoral periods; (g) the negative impact of rising populism and extremism; and (h) obstructions encountered in the digital space.

[29] See the full report at: https://www.ituc-csi.org/social-dialogue-development.

[30] A/HRC/38/34.

71. Those trends, together with measures aimed at restricting or silencing the exercise of the rights to freedom of peaceful assembly and of association, undermine the empowerment of people and their rights to express themselves and to engage in collective activities — political, economic, social, cultural or environmental — which are at the core of all Agenda commitments.

72. Given the significant impact that civil society has on the attainment of the Sustainable Development Goals, a commitment to achieve the 2030 Agenda should effectively translate into a commitment to expand and maintain civic space. Unfortunately, the space for civic engagement has been closing in many countries around the world in both authoritarian regimes as well as democratic countries. Those restrictions hinder civil society's ability to participate in the implementation and monitoring of the 2030 Agenda.

73. Some of the impacts of restricted civic engagement might include:[31]

(a) Diminished service provision, affecting the livelihoods of many who depend on services and aid provided by civil society organizations;

(b) Increased risk of conflict, due to heightened tensions from unaddressed grievances and demands from individuals who are unable to channel them appropriately;

(c) Missed economic opportunities in terms of lost revenue from income and other taxes, job losses and slowdown in sectors and industries that provide services and goods;

(d) Corruption and inefficient allocation of resources stemming from a decrease in monitoring and accountability demands by civil society.

74. In their voluntary national reports on the 2030 Agenda, a number of Governments identified challenges related to the inclusion of civil society in implementation processes. For example, Canada noted the exclusion of marginalized communities from the 2030 Agenda processes. Mexico recognized the challenge of institutionalizing mechanisms for participation and the joint creation of public policies, and proposed as a solution the formalization of mechanisms for civil society participation. Bangladesh stated it was working out how to enhance the participation of all stakeholders in its efforts to implement the Goals. It further identified resource mobilization as a challenge that could be addressed by developing innovative ways of financing, from both the public and private sectors, development partners, and by ensuring effective and efficient ways for resource utilization. El Salvador sought to ensure the effective participation of other actors and levels of government in the implementation of the Agenda and to mobilize domestic and international financial resources for the cause.

75. The impact of restrictive civic space on several pertinent themes is discussed in the sections below.

A. Development and humanitarian work

76. The work of development and humanitarian civil society organizations in supporting the Sustainable Development Goals cannot be overstated. These organizations are engaged in providing services and aid aimed at promoting a majority of the Goals, directly or indirectly, principally including: ending poverty in all its forms everywhere (Goal 1); ending hunger, achieving food security and improved nutrition and promoting sustainable agriculture (Goal 2); ensuring healthy lives and

[31] Submission of the Community of Democracies, July 2018.

promoting well-being for all at all ages (Goal 3); ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all (Goal 4); achieving gender equality and empowering all women and girls (Goal 5); and ensuring the availability and sustainable management of water and sanitation for all (Goal 6).

77. Those Goals are closely linked to economic and social rights, and many of the targets correspond to elements of specific rights in the International Covenant on Economic, Social and Cultural Rights.[32] Development and humanitarian organizations working on these issues are therefore supporting States in the fulfilment of their obligations under these rights.

78. States further committed, in the 2030 Agenda, to take effective measures and actions in conformity with international law, to remove obstacles and constraints, and to strengthen support for and meet the special needs of people living in areas affected by complex humanitarian emergencies and in areas affected by terrorism.

79. However, four common challenges to creating an enabling environment for development civil society organizations can be identified as follows:[33]

(a) Burdensome legal and administrative requirements that narrow the scope of permissible development activities, impose excessive reporting or renewal requirements and in general make it difficult for civil society organizations to fulfil their mandates;

(b) Restrictions on foreign funding and affiliations, with devastating effects on many development civil society organizations whose existence depends on access to foreign resources;

(c) Counterterrorism legislation and policies that prevent the transfer of funds to or any connections or affiliations with terrorist organizations, which has a debilitating effect on the work of development civil society organizations working in high-risk areas or where extremist groups are present due to the likelihood of contact (even inadvertently) with such groups;

(d) Vilification, distrust and violence, resulting in a relationship between Government and civil society that is antagonistic, often resulting in lack of collaboration, inefficient allocation of resources and miscommunication. Attacks on activists deter civil society organizations from working in difficult and yet essential areas out of concern for the safety of their staff.

80. The Special Rapporteur notes the impact of restrictions placed on development and humanitarian organization, not only on the organizations and staff, but also in particular on those most in need of services and assistance. He warns of the deleterious effect this may have on efforts to reach those furthest behind and those hardest to reach.

B. Vulnerable groups and the pledge to leave no one behind

81. The 2030 Agenda recognizes the imperative of empowering people who are vulnerable, including all children, young people, persons with disabilities, people living with HIV/AIDS, older persons, indigenous peoples, refugees and internally displaced persons and migrants. The obstacles that vulnerable and groups at risk face

[32] See C. Golay "No one will be left behind: the role of United Nations Human Rights Mechanism in monitoring the Sustainable Development Goals that seek to realize economic social and cultural rights" (Geneva, 2018), pp. 28–34, available at www.geneva-academy.ch/joomlatools-files/docman-files/Briefing11-interactif-HD.pdf.

[33] Submission of the Civic Space Initiative, July 2018.

include challenges to the exercise of the rights to freedom of peaceful assembly and of association.[34]

82. These challenges include laws and policies that contain explicitly discriminatory provisions that have a negative impact on these groups, and practices that threaten or impede the enjoyment of rights.

83. The Special Rapporteur is concerned about impediments to the achievement of Goal 3, as well as the right to the highest attainable standard of health, caused by restrictions imposed on civil society organizations working with people living with HIV/AIDS. For example, in Ethiopia, Kenya and Uganda, such organizations have to contend with the criminalization of, discrimination against and marginalization of key populations within the groups they serve. Organizations in Ethiopia and Uganda face difficulties opening bank accounts, holding public gatherings and even posting signs over their front doors. They are tied down by onerous bureaucratic requirements and legal cases challenging their right to exist, expending energy and resources that could be directed towards uplifting the status of the people at risk.[35]

84. In the context of Goal 5, on the equality of women and girls, the principle of "ensuring that no one is left behind" requires both substantive and formal equality, non-discrimination and empowerment of women, as enshrined in the Convention on the Elimination of All Forms of Discrimination against Women. Human rights defenders, including women human rights defenders working on a variety of issues, often face threats, harassment and violence as they challenge traditional norms on the place of women in society and as they exercise their rights to freedom of peaceful assembly and of association. Attacks may also come in the form of smear campaigns, physical and sexual assaults, for example during peaceful assemblies, and even killings, such as that of Berta Caceres, a Honduran woman environmental activist and indigenous leader. Women human rights defenders may also be subject to travel, funding and security restrictions, preventing them from engaging in global spaces, such as meetings of the Human Rights Council. The global rise of authoritarianism, fundamentalist and extremist ideologies similarly constrain the space of women and girls. The intersections of gender and other parameters of marginalization, such as ethnicity and race, produce additional impediments to the exercise of the rights to freedom of peaceful assembly and of association.

C. Workers' rights

85. Restrictions to the rights to freedom of peaceful assembly and of association have a deleterious impact on several goals affecting the rights of workers.

86. Goal 8 is the most comprehensive goal applicable to the right to work, with targets that cover, among other things: promoting polices that support decent job creation (8.3); achieving full and productive employment and decent work for all and equal pay for work of equal value (8.5); reducing substantially the proportion of young people not in employment (8.6); protecting labour rights and promoting safe and secure working environments for all workers (8.8); devising and implementing policies to promote sustainable tourism that creates jobs (8.9); and developing and operationalizing a global strategy for youth employment.. (8.b). In addition, a number of the other Goals have a broader relevance to the right to work.[36]

[34] See A/HRC/26/25, para. 23.

[35] ICNL 'Reinforcing Marginalization: The Impact of Closing Civic Space on HIV Response in Ethiopia, Kenya and Uganda' www.icnl.org/programs/africa/ICNL-Reinforcing-Marginalization.pdf.

[36] See A/HRC/37/32, paras. 11–12.

87. Despite the crucial role that trade unions play in protecting labour rights through social dialogue in decision-making processes, they are not mentioned in the Goals. The right to collective bargaining and the right to strike are also not mentioned. Nevertheless, an enabling civic environment — and in particular the rights to freedom of peaceful assembly and of association — are essential tools to strengthen the protection of workers' rights. The rights to freedom of peaceful assembly and of association are key to the realization of democracy and dignity, since they enable people to voice and represent their interests, to hold Governments to account and to empower human agency. Those rights are a means to level the unequal relationship between workers and employers, thereby helping workers to correct abuses and to gain access to fair wages, safe working conditions and a collective voice.[37] To achieve the Goals and ensure that no one is left behind, States must guarantee the conditions necessary for workers to join and form trade unions. It is essential that trade unions are able to operate freely.[38] ILO has noted that the right to organize and bargain collectively provides an essential foundation for social dialogue, effective labour market governance and the realization of decent work.[39]

88. Nevertheless, workers face a number of challenges in securing the ability to exercise those rights.[40] These include burdensome registration requirements for trade unions, the exclusion of certain categories of workers from forming or joining trade unions, the criminalization of strikes and protests, threats and violence against trade unionists. Informal workers, domestic workers — and in many countries agricultural workers, contract workers and public-sector workers — are frequently excluded from the protection of labour laws and have little opportunity to assemble, form or join unions or to bargain for higher wages or better working conditions.[41]

89. Several targets around Goal 5, on gender equality, and Goal 8 focus on ensuring the full participation of and equal opportunities for women at all levels of decision-making, achieving full and productive employment and decent work for all, and protecting labour rights and safe and secure work environments for all workers. Yet women trade union leaders are particularly targeted for assassination or subjected to gender-based violence, such as sexual abuse or rape, as well as threats of violence, thereby impeding their ability to exercise their rights to freedom of assembly and of association.

90. Similarly, low-income migrant workers face economically exploitative conditions of employment, social exclusion and political disenfranchisement. Migrant workers may be subjected to a rigid visa sponsorship regime that gives employers inordinate control over the workers ability to reside, work and even leave the country. They may suffer wage theft, confiscation of passports, harassment, intimidation and even violence, without access to justice and redress. Because migrant workers are often denied the freedom to assemble and associate owing to structural barriers in legal frameworks or their irregular status, they are thus unable to advocate to improve wages or working conditions.[42]

91. The Special Rapporteur notes with concern that the traditional tools for asserting labour rights have been weakened significantly across the globe. Decreasing unionization is fuelled in part by the changing nature of work but also by concerted efforts by employers to prevent the establishment of unions. The right to strike is

[37] See A/71/385, para. 16.
[38] See A/HRC/37/32, para. 56.
[39] ILO, "Fundamental principles and right at work: From challenges to opportunities" (Geneva, 2017), para. 12.
[40] Submission by Solidarity Center, July 2018.
[41] See A/71/385, para. 21.
[42] Ibid., paras. 28–29.

weakened by excluding certain categories of workers from the right, excessive prerequisites to hold a legal strike, inappropriate legal changes that allow public authorities to suspend or declare a strike illegal and government and public arguments favouring restrictions on the right to strike.[43] Without these tools, workers will be unable to engage in social dialogue and are denied an opportunity to participate in the achievement of the 2030 Agenda.

D. Sustainable management of the environment and natural resources

92. The mandate of the Special Rapporteur has previously dealt with the rights of freedom of peaceful assembly and of association in the context of natural resource exploitation,[44] including some of the restrictions that environmental activists, indigenous peoples and organizations that work on environmental issues face to deter them from fulfilling their mandates. Although Governments are often the force behind the restrictions, companies involved in natural resource exploitation are often involved or complicit in the violations.

93. Some of the ways that space for environmental groups is restricted include:[45]

(a) Physical harassment and intimidation, and in many cases even killings, as retribution for opposition to the exploitation of natural resources;

(b) Criminalization of groups and their members, including through investigations, prosecutions, searches and the seizure of equipment and property, travel restrictions, arrests with high bail amounts, a lack of access to lawyers and in some cases imprisonment. Sometimes, civil society groups are served defamation or libel lawsuits for punitive amounts of compensation, often by the companies whose projects they oppose;

(c) Arbitrary denial of registration, burdensome registration requirements, arbitrary suspension and dissolution, and restrictions to foreign funding;

(d) Stigmatization and labelling, for example as communists, anti-development, anti-progress, unpatriotic or terrorists. This is a tactic that Governments and the media use to discredit activists in the eyes of the general public.

94. Of direct relevance to the role of civil society in supporting the 2030 Agenda is the stifling of dialogue through the closing of spaces where Government and civil society meet, or the crowding-out of legitimate civil society groups by organizations set up with the support of Governments or businesses, and aligned with their interests. Dialogue can also be subverted where adequate facilities, such as requisite information, are not made available to parties.

95. The stifling of civil society groups involved in natural resource governance poses difficulties for the achievement of Goals 13, 14 and 15, related to climate change and the sustainable management of the planets natural resources. In paragraph 33 of the 2030 Agenda, States made a commitment to the conservation and sustainable use of oceans and seas, freshwater resources, forests, mountains and dry lands and to the protection of biodiversity, ecosystems and wildlife. States cannot achieve those

[43] Ibid., para. 67.

[44] See A/HRC/29/25.

[45] C. Terwindt and C. Schliemann, "Supporting civil society under pressure — lessons from natural resource exploitation", pp. 7–11, available at www.boell.de/sites/default/files/e-paper_democracy_-_shrinking_spaces_-_baf.pdf?dimension1=division_demo.

goals without engaging with indigenous and other communities that own or manage natural resources.

E. Fundamental freedoms, participation and accountability

96. The Special Rapporteur reiterates the legitimacy of peaceful protests and demonstrations as a means for civil society organizations to participate in decision-making and to hold State and non-State actors to account for their actions. Peaceful protests are typically a measure of last resort, when the scope for effective engagement with the authorities or businesses is otherwise limited.

97. The right to freedom of peaceful assembly is necessary for consultations to take place but, in numerous cases, social protests in the form of peaceful assemblies are met with violence, and the excessive use of force by the police as has been documented by civil society organizations in many countries. The need for prior authorization in order to hold such protests poses a problem, as the authorities can use that requirement as an opportunity to deny authorization or to impose burdensome prior conditions to the exercise of the right. Of particular concern is the use of private military and security companies to police and often suppress peaceful protests or other legitimate advocacy activities.[46]

98. The Special Rapporteur reiterates the importance of the right to freedom of peaceful assembly as a means to hold States accountable for the fulfilment of the 2030 Agenda. He draws States' attention to the joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies[47] that included a series of practical recommendations for the management of assemblies. He further refers them to the checklist companion publication to the report — an easy-to-use tool to determine which practical recommendations contained in the report are already in place at the domestic level and to help assess how well domestic and local authorities manage assemblies.

99. An emerging challenge[48] that civil society is grappling with in relation to the ability to exercise the right to freedom of peaceful assembly is the increasing privatization of public spaces in many urban locations as a result of processes of regeneration and commercialization. This reduces the locations at which peaceful protests and demonstrations can be held, as privately owned spaces may only be available for certain non-contentious activities.

100. Another challenge is inconsistency regarding access to online resources and social media when organizing and participating in public protests. The capacity to use communication technologies securely and privately is vital to the organization and conduct of assemblies. Any restrictions to online access or expression must be necessary and proportionate and applied by a body independent of any political, commercial or other unwarranted influences, and there should be adequate safeguards against abuse.[49] The practice of blocking communications — impeding the organization or publicizing of an assembly online — rarely satisfies the requirements of international human rights standards.

[46] See A/HRC/29/25, paras. 54–55.
[47] See A/HRC/31/66.
[48] Submission of Neil Jarman, July 2018.
[49] See A/HRC/17/27, para. 69.

V. Conclusions and recommendations

101. **The unobstructed exercise of the rights to freedom of peaceful assembly and of association is crucial for the implementation of all the Sustainable Development Goals because it empowers people with the space to articulate their voices and with the ability to organize around shared interests.**

102. **In conclusion, the Special Rapporteur highlights the five areas below where the exercise of the rights to freedom of peaceful assembly and of association is crucial in the implementation of the 2030 Agenda.**

103. **Ensuring participation and inclusiveness. The rights to freedom of peaceful assembly and of association empower the most marginalized, underrepresented and vulnerable individuals, groups and populations by mobilizing public opinion and political will, raising awareness of societal issues and challenges, enhancing participation in decision-making and bringing unique knowledge and experience to shape policies and strategies and build solutions. In essence, those rights give a voice to and allow the participation of the beneficiaries of the Sustainable Development Goals.**

104. **Creating an enabling environment for civil society. The exercise of the rights to freedom of peaceful assembly and of association helps to create, strengthen and expand an enabling environment, at the national and international levels, through which all actors, including civil society, can contribute meaningfully to achieving all of the Goals and their targets, as well as the integrity of the process, by participating and expressing their views and shaping policies.**

105. **Ensuring transparency and accountability. The exercise of those rights promotes transparency by addressing inequality, corruption, governance failures and injustice, which impede the realization of the Goals. It also ensures the effective monitoring of compliance with States' pledges by holding institutions to account for the implementation of the Goals and targets.**

106. **Creating partnerships with civil society. Through the exercise of the rights to freedom of peaceful assembly and of association, a "revitalized global partnership for Sustainable Development based on a spirit of strengthened global solidarity" can be built within and across national boundaries to overcome the challenges to realizing the Goals and to bring together beneficiaries, Governments, private businesses, civil society, the United Nations and other actors.**

107. **Supporting labour rights. The rights to freedom of peaceful assembly and of association also provide an essential foundation for social dialogue, effective labour market governance and the realization of decent work and other rights, through representation, negotiation, mobilization and dialogue.**

108. **In realizing the integrity and harmonious implementation of the 2030 Agenda, the Special Rapporteur recommends that States:**

(a) **Increase the awareness of the Agenda and the engagement of all stakeholders, including civil society actors and beneficiaries, at the grass-roots level;**

(b) **Recognize the value of civil society engagement in accompanying the implementation of the Sustainable Development Goals as a key component of efforts to leave no one behind, and institutionalize their participation at the national level, including through workers' organizations;**

(c) Ensure that enabling legal, political, economic and social environments exist for civil society to operate freely, including by ensuring that the rights to freedom of peaceful assembly and of association and other human rights are enjoyed by everyone, without discrimination;

(d) Avoid any restriction to civic space, as this has a negative impact on the reduction of poverty, inequality and insecurity, and generates an environment in which there is a heightened risk of social conflict, including violence;

(e) Abolish any criminalization of peaceful protest or other activities of civil society aimed denouncing and reducing inequality, discrimination and corruption and at promoting good governance, accountability and human rights, including for minority groups;

(f) Create multi-stakeholder platforms that include civil society and other relevant actors, to contribute to the planning, implementation and monitoring of the Goals and their targets, and provide a space to raise concerns regarding policies, restrictions, laws and other obstacles that may hinder the realization of the Goals, including civil society organizations' participation in their realization;

(g) Connect the follow-up and review processes for the implementation of the Goals to the implementation of the outcomes of human rights mechanisms and States' commitments during the universal periodic review, including the recommendations of the Special Rapporteur, in order to promote coherence and generate an enabling environment for sustainable development;

(h) Lift restrictions that prevent national and international civil society groups from gaining access to the financial and human resources they need to carry out their work, and give due consideration to the report of the Special Rapporteur on the ability of associations to have access to financial resources;[50]

(i) Ensure access to information and transparency on matters relating to the implementation of the Goals, in order to allow the meaningful participation of all stakeholder;

(j) Ensure that national action plans to implement the Goals recognize the need to protect the rights to freedom of peaceful association and of assembly to enable the participation and mobilization of all stakeholders in the 2030 Agenda.

109. **The Special Rapporteur encourages civil society:**

(a) To strengthen the levels of awareness and understanding of the Agenda and share knowledge across all actors of civil society on the importance of engaging in its implementation and breaking the silos among different actors;

(b) To continue to advocate for the implementation of the integrity of the Agenda, shedding additional light on underserved Goals and pushing for government action where needed;

(c) To mentor and inspire young people and leaders to participate and engage in achieving the Sustainable Development Goals.

110. **The Special Rapporteur recommends that businesses:**

(a) Contribute to the creation of a safe and enable environment for civil society participation in the implementation of the Sustainable Development Goals;

[50] A/HRC/23/39.

(b) Help to mobilize resources that enable civil society to engage meaningfully in the implementation of the 2030 Agenda;

(c) Ensure that private security companies are not involved in the repression of social movements, in particular protests around mining and land exploitation.

111. **The Special Rapporteur encourages national human rights institutions, within the framework of the Merida Declaration, to continue to collaborate and contribute towards a human rights-based approach for the implementation of the 2030 Agenda.**

112. **The Special Rapporteur calls on United Nations agencies to contribute by helping States to create spaces at the institutional level for civil society representatives to engage in relation to the implementation of the 2030 Agenda, and to create such spaces within their own organizations and processes.**

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International financial system and development

Report of the Secretary-General**

Summary

The present report, submitted pursuant to General Assembly resolution 72/203, summarizes ongoing efforts to implement the commitments and actions contained in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development with regard to the international financial and monetary architecture, financial regulation, development finance institutions and governance reform. The report contains two main sections. The first examines trends in international private and public capital flows to developing countries, while the second focuses on strengthening the international financial architecture in support of the 2030 Agenda for Sustainable Development.

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** The present report was prepared with input from the major institutional stakeholders involved in the financing for development process. Responsibility for its contents, however, rests solely with the United Nations.

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I. Introduction

1. In its resolution 72/203, the General Assembly recognized the need to continue to enhance the coherence and consistency of the international monetary, financial and trading systems, and to ensure their openness, fairness and inclusiveness. It also encouraged the international financial institutions to align their programmes and policies with the 2030 Agenda for Sustainable Development and emphasized the critical importance of a stable global economic environment for achieving the Sustainable Development Goals.

2. An effective and stable financial system is necessary for the allocation of resources to address sustainable development needs. Since the global financial crisis, the implementation of financial sector reforms has helped to reduce some important risks in the financial system. At the same time, other systemic risks have risen, particularly in areas outside the regulatory framework, including cross-border capital flows, certain types of shadow banking and debt. There are various causes for this, including monetary tightening, rising trade tensions and uncertainty surrounding the future of multilateral cooperation. According to the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, regulatory gaps and misaligned incentives continue to pose risks to financial stability, including risks of spillover effects of financial crises to developing countries, which suggests a need to pursue further reforms of the international financial and monetary system. Three years after the adoption of the Addis Ababa Action Agenda, challenges to the international monetary system persist.[1] In the medium to long term, shifts in the international monetary system, including those related to external adjustment and global reserve accumulation, could create additional financial volatility, underscoring the importance of strengthened international cooperation, including with regard to macroeconomic policymaking.

3. There has also been progress on addressing some non-financial environmental, social and governance risks, particularly with respect to climate change. However, while there is growing interest in sustainable investing, the international financial system is not yet adequately aligned with sustainable development, and there is insufficient investment in a range of critical areas, such as infrastructure, small and medium-sized enterprises and clean technologies. Policy choices play an important role in this regard, particularly as policies, such as financial market regulations, taxes and subsidies, can have unintended consequences and incentivize behaviour that is not necessarily supportive of the Sustainable Development Goals.

4. To achieve the Sustainable Development Goals, the global financial system will need to allocate long-term public and private resources for sustainable development in an effective and stable manner. Ultimately, stability and sustainability are mutually reinforcing: social, environmental and economic sustainability supports long-term stability, while without a stable financial system, achieving the Goals risks being derailed by future financial crises.

II. Trends in economic growth and capital flows

5. In its mid-year update of the world economic situation and prospects for 2018 (E/2018/63), the Economic and Social Council forecast that world gross product will expand by 3.2 per cent in 2018 and 2019. However, some countries and regions are not sharing in this global cyclical upturn. For example, in per capita terms, output is

[1] https://www.imf.org/en/News/Articles/2018/04/11/pr18126-imf-executive-board-discusses-the-role-of-sdr.

expected to decline in Central and in Southern Africa. While 40 per cent of countries had their growth forecasts revised upward in the mid-year update, 25 per cent of countries had them revised downward.

6. At the same time, risks to the economic outlook have been growing. Trade tensions between major economies and associated spillover, monetary policy adjustment in developed countries, elevated debt levels and an increase in geopolitical tensions could derail progress. In the past year, global financial markets have demonstrated significant instability, with exchange rate volatility intensifying in the second quarter of 2018 in a number of developing countries, driven in part by changing monetary policy in systemically important countries, as well as country-specific risks.

7. In aggregate, developing countries recorded capital outflows of $255 billion in 2017, following outflows of $431.5 billion in 2016.[2] The lower level of capital outflows in 2017 largely reflects flows to China, which moved from a position of large net outflows in 2015 and 2016 to net inflows of $148 billion in 2017.[3]

A. Private flows

8. Private capital flows have three main components: foreign direct investment (FDI), portfolio flows and other investment. FDI is generally the most stable of these and, as noted in the Addis Ababa Action Agenda, can make an important contribution to sustainable development, particularly when projects are aligned with sustainable development strategies. The United Nations Conference on Trade and Development (UNCTAD) estimates that global FDI fell by 23 per cent in 2017, to an estimated $1.43 trillion, with most of the decline in developed countries in Europe and North America. While FDI flows to developing economies remained stable at $671 billion, this followed a 10 per cent drop in 2016. Flows to Africa continued to slide, falling 21 per cent to $42 billion in 2017, with the decline concentrated in the larger commodity exporters. FDI to the least developed countries declined to $26 billion, representing a reduction of 17 per cent. Overall, projections for 2018 are for only fragile growth in FDI.[4]

9. Net portfolio flows to developing countries, which are driven primarily by institutional investors, remained volatile. They recovered from earlier outflows to reach $163 billion, driven by the recovery in flows to China. However, this was counterbalanced by net outflows of $136 billion in the "other investment" category, primarily cross-border bank loans.[5] Regionally, emerging and developing Asia saw inflows in cross-border bank loans, although this is projected to reverse in 2018.[6] Latin America and the Caribbean saw a nearly 2 per cent year-on-year decline in cross-border bank exposure in mid-2017, although this recovered in the second half of the year.[7]

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[2] International Monetary Fund (IMF), *World Economic Outlook: April 2018* (Washington, D.C., 2018), table A13.

[3] www.safe.gov.cn/wps/wcm/connect/6d920c804c296c90a415af4393d9cc2e/The_time-series_data_of_Balance_of_Payments_of_China.xlsx?MOD=AJPERES&CACHEID=6d920c804c296c90a415af4393d9cc2e.

[4] UNCTAD, *World Investment Report* (Geneva, 2018).

[5] Other investment includes currency and deposits, loans, trade credits and other financial sector instruments.

[6] IMF, *World Economic Outlook: April 2018* (Washington, D.C., 2018), table A13.

[7] www.bis.org/statistics/rppb1804.pdf and stats.bis.org/statx/srs/tseries/LBS_D_PUB/Q.F.C.A.TO1.A.5J.A.5A.A.5R.N?t=A6.2&c=5R&m=F&p=20174&x=L_MEASURE:1:CL_STOCK_FLOW&o=s:stc,z:0.

10. These aggregate figures do not capture the daily volatility, nor do they reflect the market volatility that hit a number of emerging market currencies in the first half of 2018, when the Brazilian real, the Turkish lira and the Argentinian peso fell 17, 29 and 56 per cent respectively. These devaluations put upward pressure on the prices of imported goods and commodities, as well as on the cost of external debt servicing. The increased yield on short-term United States of America Treasury bills, with three-month yields rising above 2 per cent for the first time since the financial crisis, contributed to the rapid currency depreciations, with exchange rate pressure more acute in countries with weaker fundamentals or higher political risk.

11. Debt risks and vulnerabilities in both developing and developed countries also continue to increase, as global interest rates rise. For low- and middle-income countries, the ratios of external debt to gross domestic product (GDP) have been rising since the world financial and economic crisis of 2008, with a weighted average of 26.8 per cent and a median of 40 per cent in 2017. Average debt-to-GDP ratios in small island developing States have reached 42.9 per cent, with a quarter having ratios above 70 per cent. The International Monetary Fund (IMF) and the World Bank have judged that 18 low-income developing countries are at high risk of entering or have already entered a state of debt distress. As of the end of 2017, 8 countries had seen their rating downgraded relative to 2013, with only 3 upgrades.

12. The creditor landscape has also changed, with increasing prominence of non-Paris Club bilateral and plurilateral creditors. Between 2015 and 2016, South-South cooperation drove new bilateral loan commitments to low- and middle-income countries to more than double, to $84 billion. In many cases, the share of lending by non-Paris Club creditors in total external debt exceeds the share of Paris Club and traditional multilateral creditors. In addition, the share of private creditors in public and publicly guaranteed external debt rose from 41 per cent to 61 per cent in developing countries overall, and from 8 per cent to 16 per cent in least developed countries. Such shifts present challenges for traditional mechanisms for debt workouts and underscore the need to re-examine creditor cooperation mechanisms.

13. Improving capacities to monitor and analyse public and private debt will require better and broader data collection. Effective sovereign debt management requires full information on the terms and conditions of debt, contingent liabilities and domestic arrears. Private sector debt also needs to be monitored carefully, as the manifestation of systemic risk in financial crises can result in debt burdens being transferred from private to public balance sheets. Public sector creditors have a role to play by making the terms and conditions of lending straightforward and easy to track.

B. International public finance institutions

14. Public finance provides important contributions to efforts to achieve the Sustainable Development Goals. Public international financial flows are much smaller than their private counterparts, but the comparison is misleading, as the funds are often used for investment in public goods, which would not be attractive to private investors.

15. In 2016, annual disbursements of non-grant subsidized finance from seven traditional multilateral development banks reached $65.8 billion, an increase of 15 per cent over 2015. The New Development Bank and the Asian Infrastructure Investment Bank both completed their second full year of operations in 2017. The Asian Infrastructure Investment Bank committed $2.5 billion to 15 projects,[8] while

[8] Asian Infrastructure Investment Bank, *2017 Annual Report and Financials* (2018, Beijing).

the New Development Bank committed $2.1 billion to 7 projects.[9] In addition, shareholders recently increased their paid-in capital in some multilateral development banks. In April 2018, World Bank Group shareholders agreed in principle to a $13 billion paid-in capital increase, with $5.5 billion designated for the Bank's public-sector non-grant subsidized arm and the remainder for private sector lending from the International Finance Corporation.[10] The new capital will allow the World Bank Group to increase annual lending to $100 billion by 2030, compared to $59 billion in 2017. In May 2018, African Development Bank shareholders also authorized discussions on a capital increase.[11]

16. IMF, which provides lending for balance of payments support, approved $91 billion of new non-concessional commitments in the fiscal year 2018, including concessional loans of $2.1 billion to its low-income developing members.[12]

III. Strengthening the international financial system

A. International financial and monetary architecture

International monetary system and financial safety nets

17. A large proportion of global savings is currently held as international reserves by central banks. Many developing countries built up international reserves as a form of self-insurance against capital flow and exchange rate volatility. Although reserve accumulation has slowed in recent years, from 2000 to 2017 foreign exchange reserves increased from $2.0 trillion to $11.8 trillion, with approximately $7.0 trillion held by developing countries. In 2017, developing country reserves grew by $165 billion, following a fall of $482 billion in 2016, in large part in response to changes in capital flows to China. IMF predicts moderate growth of reserves in developing and transition countries in 2018 and 2019.

18. The accumulation of reserves has been successful in dampening exchange rate volatility. For example, China was able to use reserves to limit exchange rate movements in response to capital outflows in 2016. However, many developing countries lack the capacity to build large stocks of reserves, making them more vulnerable to volatility in international markets. In addition, the accumulation of international reserves in safe low-yielding assets has an opportunity cost. Reserves are mostly invested in United States Treasury bills and bonds, implying that developing country resources are lent back to developed countries at relatively low interest rates. Rather than accumulating reserves, resources could instead be invested in domestic productive capacity, infrastructure or other projects related to the Sustainable Development Goals.

19. The share of international reserves held in United States dollars has been falling steadily. United States dollar-denominated reserves currently account for 62.5 per cent of the total, down from a peak of 71.5 per cent in 2001, a relatively constant decline through the financial crisis and other economic events.[13] Euro-denominated assets account for 20.4 per cent, while Chinese renminbi-denominated assets, which were reported for the first time in 2016, account for 1.4 per cent of the total.[14] The

[9] www.ndb.int/projects/list-of-all-projects/

[10] www.worldbank.org/en/news/press-release/2018/04/21/world-bank-group-shareholders-endorse-transformative-capital-package

[11] am.afdb.org/sites/default/files/am_2018_final_communique_busan.pdf

[12] www.imf.org/external/np/fin/tad/extarr11.aspx?memberKey1=ZZZZ&date1key=2018-06-30

[13] Other events include the 2011 downgrade of the United States sovereign credit rating and various changes to the United States debt ceiling.

[14] www.imf.org/external/np/sta/cofer/eng/index.htm

decline in the share of reserves held in United States dollars is seen by some economists as the beginning of a shift from the current primarily United States dollar-based system to a multi-currency reserve system. There is a risk that such a system could lead to more volatility, owing to greater uncertainty and fluctuations across several major reserve currencies. Weak macroeconomic coordination across systemically important economies could exacerbate this volatility. The potential for greater risks to developing countries and their progress towards the Sustainable Development Goals underscores the importance of strategies to align the international monetary system with the 2030 Agenda, such as global macroeconomic policy coordination and strengthened safety nets.

20. An IMF note prepared for the Group of 20 in 2016 outlined initial considerations for a global reserve system based on the special drawing right, an international reserve asset managed by IMF, or a similar non-national currency or reserve asset. In March 2018, the Executive Board of IMF discussed whether a broader role of the special drawing right could contribute to the smooth functioning and stability of the international monetary system. It was concluded that the special drawing right as a reserve asset had the greatest potential, albeit under a different legal framework that would require amendments to the IMF Articles of Agreement. However, the Executive Board was uncertain of the role for the special drawing right in addressing the weaknesses in the international monetary system and did not come to a consensus on that issue. It supported further analysis of how economic and technological transitions, such as a potential move towards a multipolar global economy and the adoption of financial technologies, could reshape the international monetary system in the future, while noting that the role of the special drawing right should not be the central question in such discussions.[15]

21. In the Addis Ababa Action Agenda, the Heads of State and Government and High Representatives recognized the need to strengthen the permanent international financial safety net, with a strong and quota-based IMF, and urged IMF to continue its efforts to provide more comprehensive and flexible financial responses to the needs of developing countries. The global financial safety net is a network of institutions and financing facilities that can provide liquidity to countries in times of financial stress. It comprises multilateral lending facilities primarily operated by IMF at a global level, regional facilities and bilateral lines of credit (frequently through reserve currency swap lines). The Inter-Agency Task Force on Financing for Development prepared an inventory of quick-disbursing international instruments, mapping the different components of the global financial safety net, as part of its 2018 report on financing for development.[16] The mapping, which includes recent efforts, such as the May 2017 reforms of the IMF quick-disbursing instruments — the rapid credit facility and the rapid financing instrument — shows both the breadth of the global financial safety net and the gaps in coverage and coordination.

22. Additional options for reforming the global financial safety net could build on existing regional reserve pooling arrangements, such as the Chiang Mai Initiative Multilateralization. The pooling of reserves can help individual countries to overcome the challenge of limited resources. Synchronization among IMF, regional arrangements and other elements of the global financial safety net can help to bridge the gaps for the many countries, including some large emerging markets, that continue to lack adequate access to predictable and reliable funding. Improvements to the global financial safety net would be more effective if agreed in advance of crises rather than in the midst of them.

[15] https://www.imf.org/en/News/Articles/2018/04/11/pr18126-imf-executive-board-discusses-the-role-of-sdr.

[16] developmentfinance.un.org/sites/developmentfinance.un.org/files/Report_IATF_2018.pdf.

Aligning capital flows with sustainability and the Sustainable Development Goals

23. The quality of capital flows is crucial, as Member States need to maximize the benefits of inflows, while effectively managing the risks. The Addis Ababa Action Agenda recognizes that when dealing with risks from large and volatile capital flows, necessary macroeconomic policy adjustment could be supported by macroprudential and, as appropriate, capital flow management measures.

24. Macroprudential policies and measures, which are designed to limit systemic risk, encompass a wide variety of tools that can help to build buffers to shocks, mitigate the pro-cyclicality of financial markets and institutions, and limit the structural vulnerabilities in the financial system.[17] A July 2017 IMF report on the effectiveness of macroprudential policies found that their effectiveness varies based on capital market openness, financial market development and the potential for domestic and cross-border leakage. According to the report, "source country policies can also play an important role in increasing global effectiveness of macroprudential policies in containing systemic risks from capital flows".[18] Indeed, the 2030 Agenda emphasizes universality because it recognizes the interconnectedness of all countries. Yet, to date, international investor incentives are not designed to reduce systemic risks, as exemplified by many investors' short-term orientation.

25. There is increasing interest in the role of institutional investors in financing sustainable development, particularly those with long-term liabilities such as pension funds, life insurance companies and sovereign wealth funds, owing to their significant assets under management, at around $80 trillion in assets as at the end of 2016.[19,20,21] For pension funds, around 40 per cent of liabilities are distributed within 10 years, and 60 per cent within 20 years, implying that the potential size of portfolios that are well-suited for illiquid investments, such as infrastructure, is significantly less than the headline number, although even after adjustments, total long-term liabilities remain extremely large.[22] However, many asset managers have short-term investment horizons, which is reflected in high turnover rates and in the volatility of cross-border portfolio flows. Most asset managers, even those with long-duration liabilities, generally invest in short-term and liquid assets. For example, in 2017, the pension funds in the seven largest pension markets allocated 75 per cent of their portfolios to liquid assets, overwhelmingly in developed countries, rather than long-term illiquid assets such as infrastructure.[23] One way to address the issue of lack of demand for illiquid assets is to try to repackage investments in a liquid form. This is behind the calls to develop infrastructure as an asset class. The expectation is that standardizing

[17] Piet Clement, "The term 'macroprudential': origins and evolution", *BIS Quarterly Review*, March 2010. Available at http://www.bis.org/publ/qtrpdf/r_qt1003h.pdf.

[18] IMF, "Increasing resilience to large and volatile capital flows: the role of macroprudential policies", IMF Policy Paper (Washington, D.C., 2017). Available at www.imf.org/en/Publications/Policy-Papers/Issues/2017/07/05/pp060217-increasing-resilience-to-large-and-volatile-capital-flows.

[19] Willis Towers Watson, *Global Pension Assets Study 2017*. Available at www.willistowerswatson.com/en/insights/2017/01/global-pensions-asset-study-2017.

[20] PricewaterhouseCoopers, "The rising attractiveness of alternative asset classes for sovereign wealth funds" (2018). Available at www.pwc.lu/en/alternative-investments/docs/pwc-sovereign-wealth-funds.pdf.

[21] PricewaterhouseCoopers, "Asset and wealth management insights: Asset management 2020: taking stock" (2017). Available at www.pwc.com/gx/en/asset-management/asset-management-insights/assets/am-insights-june-2017.pdf.

[22] Working Group on Financing for Sustainable Development, "Challenges in raising private sector resources for financing sustainable development" (2014). Available at sustainabledevelopment.un.org/content/documents/2106UNTT%20Chapter%20III.pdf.

[23] Willis Towers Watson, *Global Pension Assets Study 2018*. Available at www.willistowerswatson.com/en/insights/2018/02/global-pension-assets-study-2018.

contracts and creating performance benchmarks could create liquidity and attract greater investment. This has to be done with great care, as creating liquid instruments on illiquid assets, such as infrastructure, without clearly specifying who is holding the liquidity risk could create short-term liquidity bubbles, leading to bankruptcies of projects when the bubbles burst. Indeed, most of the financial crises of the past two decades have been linked to markets' mispricing of liquidity. Further work is required to better understand associated risks.

26. The short-term orientation of capital markets is reflected not only in the volatility of cross-border capital flows, but also in the short average holding period of stocks in some developed markets, which has fallen from eight years in the 1960s to eight months today. This short-term outlook is a major impediment to increasing financing for sustainable development. Without a long-term investment horizon, certain risks, such as those from climate change, will not be incorporated into decision-making. Aligning the incentives of institutional investors in all countries with sustainable development would not only raise resources for the Sustainable Development Goals, but also contribute to the global public good of a stable international financial system.

27. In source countries, Governments can explore ways to incentivize institutional investors to take a long-term approach, such as by reviewing regulatory frameworks and encouraging longer-term horizons in indices and credit analysis, including in ratings. Destination countries can adopt capital account management techniques, including macroprudential regulations, that have proven effective in shifting the maturity profile of investment.

Restoring debt sustainability

28. The increasing concerns about debt sustainability in a number of developing countries underscores the importance of ensuring that the international system can address sovereign debt distress. Sovereign debt crises often lead to a spiral of capital flight, rising interest rates and unemployment. Even short of a crisis, high debt levels impede sovereign borrowing, hampering efforts to finance the Sustainable Development Goals.

29. Not all borrowing has the same long-term effect on debt sustainability. Productive investments in the Sustainable Development Goals, including in infrastructure, could spur growth and strengthen debt indicators. The Economic and Social Council, in its report on the forum on financing for development follow-up, recognized that it is helpful to differentiate how borrowing resources are used, and that effective public investment in infrastructure and productive capacity in support of the Goals, under appropriate public debt management, can have a positive impact on fiscal space and debt sustainability.[24]

30. Although significant progress has been made in implementing market-based solutions to debt distress, such as the inclusion of collective action clauses in bond contracts, the process for sovereign debt restructuring remains fragmented and uncertain. Use of innovative instruments, such as State-contingent debt instruments that reduce or delay debt servicing payments in times of crisis, could lessen financial stresses and could be readily adopted by official sector lenders. These could be particularly useful for countries facing disasters.

31. While political consensus on how to implement a comprehensive, predictable, and equitable framework for effective and efficient sovereign debt restructuring does not exist, a number of forums have sought to develop principles and guidelines that, while not mandatory, could, through voluntary adoption, become standards. Indeed,

[24] E/FFDF/2018/3

the Addis Ababa Action Agenda committed Member States to work towards a global consensus on guidelines for debtor and creditor responsibilities in borrowing by and lending to sovereigns, building on existing initiatives, such as the UNCTAD Principles on Promoting Responsible Sovereign Lending and Borrowing.

B. International financial risks and regulation

32. To achieve the Sustainable Development Goals, the financial system should ultimately facilitate the flow of funds from savers to borrowers in a stable and sustainable manner and effectively allocate funds throughout the economy. The 2008 world financial and economic crisis made it abundantly clear that regulatory frameworks were insufficient to address systemic risks in the financial system. A significant portion of the financial sector had exposure to assets that were much riskier than most financial sector analysts or regulators understood.

33. At present, almost a decade after financial regulatory reform was initiated, policy development for the agenda endorsed by the Group of 20 is largely complete, although full implementation of the new standards is still pending. As the 2008 financial crisis recedes into history, there is already pressure to roll back some of the reforms, and it is unclear if there is sufficient political will to take additional steps to tackle systemic risks that were not adequately addressed by the agreed reform agenda. Meanwhile, only a few steps, for instance on climate-related financial disclosures, have been taken to align the regulatory system with the Sustainable Development Goals.

Banking and insurance regulation

34. Robust regulatory frameworks are essential for the stability of the international financial system. Banking regulations aim to ensure that commercial banks hold sufficient capital and liquidity to cover potential losses in their portfolios, and are thus able to withstand financial and economic stress. Various complementary requirements have been agreed by the Basel Committee on Banking Supervision since 2009, including boosting banks' capital, ensuring that banks have sufficient high-quality liquid assets and requiring banks to maintain a sustainable funding profile.

35. While much has been done in terms of banking regulation, the impact of the reforms on sustainable development remains unclear. Regulations create incentives, including regarding the allocation of capital, with potential unintended consequences for access to credit to finance the Sustainable Development Goals, such as trade finance and long-term financing for infrastructure. Indeed, the final standards adopted by the Basel Committee on Banking Supervision in December 2017 lowered the risk-weight for loans to small and medium-sized enterprises from 100 to 85 per cent, in recognition of the important role they play in generating growth and jobs and contributing to sustainable development. To help to reduce discrepancies between the different risk methodologies used by small and large financial institutions, the Committee also determined, after much discussion, that banks using internal risk models for setting minimum capital buffers could not have risk-weighted capital more than 27.5 per cent below what would be required if they used the standardized approach for risk weighting, although the size of the floor was subject to considerable debate.[25]

36. Reforms to address the problem of too-big-to-fail financial institutions were also further developed, but additional work is required to build effective resolution regimes for such institutions and operationalize resolution plans for cross-border firms.

[25] https://www.bis.org/press/p171207.htm

37. The Financial Stability Board is currently conducting evaluations of the effects of reforms on the financing of infrastructure investment and other areas. To date, there has been limited evidence of impacts. Total cross-border bank claims on developing countries reported to the Bank for International Settlements have continued to grow since early 2015, although the share of long-term claims has decreased and trends vary across countries. Some emerging markets and developing economies continue to report concerns about the reduction in activity by global banks in their domestic markets, although to date this decline does not seem to have had a significant impact on their overall credit growth.

38. Policymakers have an interest in ensuring that the financial system is resilient to all forms of risk. Disclosure of material climate-related financial information is a prerequisite for financial firms to manage and price climate risks appropriately. The Task Force on Climate-related Financial Disclosures published recommendations for voluntary climate-related financial disclosures in June 2017. To date, more than 240 companies holding a combined market capitalization of over €5.1 trillion have indicated support. Nonetheless, there are still calls for mandatory reporting. This progress on climate disclosures could serve as a template for similar disclosures on other aspects of the Sustainable Development Goals.

Shadow banking and derivatives

39. Shadow banking, which falls outside the regulatory framework for commercial banks, and derivative products can still pose systemic risks to the global economy. A narrow measure of shadow banking that includes non-bank financial entities that may pose financial stability risks reached $45.2 trillion in 2016, an expansion of 7.6 per cent over 2015. A broader measure comprising other non-bank financial intermediaries grew 8 per cent to $99.2 trillion in 2016.[26] The aspects of shadow banking generally considered to have contributed the most to the 2008 world economic and financial crisis have declined significantly and are considered by the Financial Stability Board to generally no longer pose financial stability risks.[27] However, as at June 2017, 14 Financial Stability Board jurisdictions were behind schedule in the implementation of at least one area of shadow banking reform,[28] and in some areas there are questions about whether the reforms are strong enough. For example, assets held in collective investment vehicles that are susceptible to runs (such as open-ended fixed income funds, credit hedge funds, real estate funds and money market funds) remain large or have grown by around 13 per cent a year since the crisis.[29] The considerable growth has been accompanied by a relatively higher degree of credit investment as well as greater liquidity and maturity risks.

40. Implementation of the reforms agreed by the Financial Stability Board with regard to over-the-counter derivatives is now well advanced, although this has taken longer than originally intended owing to the scale and complexity of the reforms and other challenges. Central clearing is simplifying much of the previously complex, opaque web of derivatives exposures, and is prevalent in interest rate derivatives and to a lesser extent in credit default swaps, but still rare in foreign currency derivative

[26] Excludes insurance companies, pension funds and public finance institutions. See Financial Stability Board, *Global Shadow Banking Monitoring Report 2017* (2018). Available at www.fsb.org/wp-content/uploads/P050318-1.pdf.

[27] Financial Stability Board, "Assessment of shadow banking activities, risks and the adequacy of post-crisis policy tools to address financial stability concerns" (2017). Available at http://www.fsb.org/wp-content/uploads/P300617-1.pdf.

[28] Financial Stability Board, *Implementation and effects of the G20 financial regulatory reforms: third annual report* (2017). Available at http://www.fsb.org/wp-content/uploads/P030717-2.pdf.

[29] Financial Stability Board, *Global Shadow Banking Monitoring Report 2017* (2018). Available at www.fsb.org/wp-content/uploads/P050318-1.pdf.

contracts.[30] More collateral is in place to reduce counterparty credit risks within the system. Progress has also been made in improving transparency of derivatives transactions, but recent analysis has suggested that cross-border arbitrage has undermined the ability of the regulators of the banking groups that have subsidiaries dealing in derivatives to fully understand the derivatives-related exposure and leverage of the banking groups, many of which are considered systemically important.[31]

Financial inclusion and correspondent banking

41. There is a growing body of evidence that more inclusive financial markets, including for small and medium-sized enterprises, support economic growth and employment, and reduce inequalities. The updated Global Findex database, released in May 2018, shows that globally 69 per cent of adults now have a financial account, up from 62 per cent in 2014. There are, however, wide variations. In some countries, less than 10 per cent of the population have financial accounts, versus over 90 per cent in other countries. As of 2017, 72 per cent of men, but only 65 per cent of women, have an account. No progress has been made on closing the 7 percentage point gender gap over the past six years. Technological solutions are advancing: in developing economies, 19 per cent of adults reported making at least one direct payment using a mobile money account, a mobile phone or the Internet, with sub-Saharan Africa remaining the global leader in the use of mobile money.[32] The increasing digitalization of finance raises the importance of enhancing financial and digital literacy, in order to protect consumers from exploitative financial practices, and strengthening consumer protection.

42. Surveys indicate that lack of finance is a major obstacle for small and medium-sized enterprises in many developing countries. Structural transformation strategies often aim to build a core of small and medium-sized enterprises interconnected with larger enterprises capable of promoting industrial upgrading. As noted above, regulation impacts incentives, and may have unintended consequences on lending to small and medium-sized enterprises. Policies intended to improve the capacity of small and medium-sized enterprises to secure affordable finance include awareness programmes to inform owners and managers of all available financing options. Some countries have put initiatives in place to improve investor readiness, including accelerators or incubators that provide start-ups and small and medium-sized enterprises with training.

43. Some parts of the international financial system rely on correspondent banking relationships, which are agreements between two banks in different countries to handle transactions on behalf of each other. These enable the provision of domestic and cross-border payments, and are critical for trade finance and facilitating the transfer of remittances from migrant workers. However, the number of correspondent banking relationships has continued to decline, with the number of active relationships falling 8 per cent across all currencies from 2011 to mid-2017. While the average number of active corridors per country increased for North America and Eastern Europe, all other regions, including Africa, Asia, Latin America and the Caribbean, recorded declines.[33]

44. The causes of these declines are multiple, and likely include the costs of complying with anti-money laundering and know-your-customer rules and the desire of banks to reduce their risks. This may have an impact on the ability to send and

[30] www.bis.org/publ/otc_hy1805.htm

[31] www.ineteconomics.org/research/research-papers/too-big-to-fail-banks-regulatory-alchemy

[32] globalfindex.worldbank.org

[33] Financial Stability Board, *Correspondent Banking Data Report* (2018). Available at www.fsb.org/wp-content/uploads/P060318.pdf

receive international payments, or may drive some payment flows underground, with potential adverse consequences for international trade, growth, remittances and financial inclusion, as well as the stability and integrity of the financial system.

45. Regulations, capacity-building, strengthened tools for due diligence [34] and greater use of financial technology can help to address the decline in correspondent banking relationships. In the past year, the Financial Action Task Force discussed progress on revised guidance to help clarify regulatory expectations, while the Wolfsberg Group of Banks, whose members include major global correspondent banks, published a questionnaire designed to standardize the information needed to make know-your-customer utilities function more efficiently. Using technology to improve the exchange of standardized customer information by international banks and the know-your-customer utilities can reduce the cost and risk of operating correspondent banking relationships.

Credit rating agencies

46. Credit rating agencies play an important role in the functioning of capital markets and influence the flow of finance towards countries, companies and projects. With the three largest credit rating agencies still holding a 95 per cent share of business in the largest financial markets, there remain concerns about competition and oligopolistic practices. The financial crisis demonstrated that inaccurate ratings can impact the stability of the international financial system. Ratings also tend to be pro-cyclical, rising during economic upturns and falling during downturns, pushing up the cost of borrowing during a downturn when firms may need financing most. National monitoring of the adherence of credit rating agencies to regulations continues, with a recent United States report finding that in some instances agencies did not properly apply or adhere to their own methodologies and policies for determining ratings, and that some agencies did not have sufficient procedures to prevent potential conflicts of interest arising from their business activities. [35] In addition, the time horizon for ratings is relatively short — between two to five years for corporate debt — which helps to institutionalize shorter-term outlooks.

47. On the positive side, credit rating agencies are increasingly factoring into their analysis environmental, social and economic risks that have a material impact on financial returns, although this is not yet systematic. In the autumn of 2017, the three major credit rating agencies provided more detailed information on how they incorporate environmental, social and governance factors into their ratings. Standard & Poor's performed an analysis of ratings changes and found that over a two-year period, environmental and climate concerns featured in the analysis of 717 corporate ratings, and that in 106 of those cases, such concerns were material to credit quality and resulted in changes in ratings. [36] A longer-term outlook would likely increase the impact of sustainability considerations on performance, since many environmental and social risks are relevant only on time horizons longer than five years. Rating agencies could, as a first step, publish longer-term ratings alongside traditional ratings.

[34] Financial Stability Board, "FSB action plan to assess and address the decline in correspondent banking: Progress report to G20 finance ministers and central bank governors" (2018). Available at http://www.fsb.org/wp-content/uploads/P160318-2.pdf.

[35] United States Securities and Exchange Commission, *2017 Summary report of Commission staff's examinations of each nationally recognized statistical rating organization* (2017). Available at www.sec.gov/ocr/reports-and-publications/special-studies/nrsro-summary-report-2017.pdf.

[36] www.spglobal.com/our-insights/How-Does-SP-Global-Ratings-Incorporate-Environmental-Social-and-Governance-Risks-Into-its-Ratings-Analysis-.html.

Emerging trends and challenges

48. Digitalization of finance could enhance economic data collection and support early warning systems and better preparedness. Digitalization can help the financial system to reach populations without access to financial services, including women. Mobile money services have grown into major payments providers, with over 6 billion transactions annually. Technology-enabled sharing of information can strengthen credit analysis, thus increasing access to credit for small and medium-sized enterprises. Financial technology has the potential to lower the cost of remittances, and innovative applications can help to address the decline in correspondent banking relationships. However, there are risks associated with digital finance. Many new actors and products are not currently covered by regulatory frameworks. If not appropriately regulated, they can pose risks to customers. While consumer protection is particularly important when customers have relatively low financial and digital literacy, it is critical in all contexts given the continually changing nature of technology and asymmetric access to information. Effective financial regulation can also support competition, impede monopolistic behaviour and address privacy-related issues.[37]

49. Regulation will also need to consider the impact of virtual currencies, also called cryptoassets. The anonymity and cross-border reach of virtual currencies raise concerns around illicit finance.[38] Transactions cannot be authoritatively traced to real identities owing to anonymizing service providers, meaning that virtual currencies can conceal or disguise the illicit origin, use or transfer of funds. The Financial Action Task Force has called for the regulation of virtual currency exchanges to reduce risk. In 2017, several Asian countries that host virtual currency exchanges introduced new regulations or announced their intention to do so. With the blurring of boundaries among entities, activities and jurisdictions, new common standards and legal principles may be warranted to ensure that digitalized finance aligns with national and international priorities.

C. International public finance institutions

50. Development banks have a key role to play in financing the 2030 Agenda, as recognized in the Addis Ababa Action Agenda. Development banks — multilateral, subregional and national — fund public goods and other investments that are in the public interest but that are not commercially feasible. They can also act countercyclically to provide resources in times of market stress. Efforts to align public finance institutions' operations with the Sustainable Development Goals are further advanced than efforts on private investment, although there is scope for improvement.

51. The Addis Ababa Action Agenda called upon multilateral development banks to make optimal use of their resources and balance sheets, consistent with maintaining their financial integrity. Since 2015, the World Bank, the Asian Development Bank, the African Development Bank and the Islamic Development Bank have taken steps to make better use of their balance sheets by allowing leverage on grant resources, undertaking balance sheet mergers, securitizing or selling loans after origination, cutting expenditure, increasing fees, enhancing risk management and diversifying

[37] Financial Stability Board, "Financial stability implications from fintech: supervisory and regulatory issues that merit authorities' attention" (2017). Available at http://www.fsb.org/wp-content/uploads/R270617.pdf.

[38] Dong He and others, "Virtual currencies and beyond: initial considerations" (2016). IMF Staff Discussion Note SDN/16/03. Available at www.imf.org/external/pubs/ft/sdn/2016/sdn1603.pdf.

risk exposures. Some multilateral development banks are also increasing lending relative to equity while seeking to maintain their credit ratings.

52. In addition, several national development banks operate internationally. Most notably, new banks are being established in Canada and have been proposed in the United States, while others, such as the Commonwealth Development Corporation in the United Kingdom of Great Britain and Northern Ireland, are getting capital infusions. In terms of size, the Brazilian National Bank for Economic and Social Development and the Chinese policy banks, the China Development Bank and the Export-Import Bank of China, remain the largest.

53. While multilateral development banks are aligning their strategies with the 2030 Agenda, to achieve the Sustainable Development Goals they will need to achieve greater scale and ensure that social and environmental sustainability impacts are embedded in their lending, in particular for infrastructure investments that will lock in development paths until 2030 and beyond. This could include further aligning internal staff incentives with metrics relevant to achieving the Goals, rather than primarily with lending volumes. This will require careful monitoring and evaluation, built on effective measurement of sustainable development impact.

54. Monitoring, evaluation and measurement are particularly important for blended finance projects, as the inclusion of profit-seeking private resources make it incumbent on the public partners to ensure that projects are contributing to national sustainable development priorities. The International Finance Corporation is in the process of developing a new impact measurement methodology to replace its Development Outcome Tracking System. The new methodology, the Anticipated Impact Measurement and Monitoring system, began with pilots in July 2017 and is expected to be rolled out more broadly in 2018. The International Finance Corporation intends to reward its staff financially for projects that achieve development impact above a minimum performance floor.

55. The Addis Ababa Action Agenda also stresses that development banks should establish or maintain environmental and social safeguards systems, including on human rights, gender equality and women's empowerment, that are transparent, effective, efficient and time-sensitive. In this regard, the World Bank's new Environmental and Social Framework, adopted in 2016, will be applied to projects from October 2018, although questions remain regarding how its application will be monitored.[39]

56. Member States continue to emphasize the importance of women's rights and gender equality, and encourage international financial institutions to include gender equality in their investment decisions. Multilateral development banks, for the most part, are improving the gender sensitivity and gender impact of their lending. For the World Bank Group as a whole, gender targets are being met. The share of World Bank Group projects that were gender-informed rose from 62 per cent in 2016 to 71 per cent in 2017, above the target. However, there is still room for improvement. For example, in the fiscal year 2017 only 29 per cent of the International Finance Corporation's nominees for positions on the boards of directors of its clients were women.

[39] www.hrw.org/news/2017/12/04/letter-world-bank-environmental-and-social-standards-guidance-notes.

D. Other international economic issues[40]

Illicit financial flows

57. Illicit financial flows represent a major obstacle to efforts to mobilize domestic resources for sustainable development. Illicit financial flows are generally related to transnational crime, corruption or abusive tax practices, although these categories are not mutually exclusive or comprehensive. Different components of illicit financial flows are not directly comparable and aggregation of estimates across channels and components could result in double counting.

58. While estimating illicit offshore wealth holding is difficult because of the secrecy afforded in many jurisdictions, new data are improving the accuracy of estimates. One study estimates that, as at October 2017, 10 per cent of world gross product is held as private offshore financial wealth.[41] However, there are currently insufficient data to determine what volume of this wealth is being disclosed correctly to tax authorities.

59. In 2017, the joint custodian agencies of Sustainable Development Goal indicator 16.4.1 on illicit financial flows — the United Nations Office on Drugs and Crime and UNCTAD — began to develop, review and test a statistical methodology to estimate the volume of illicit financial flows. Testing of the proposed statistical methodologies will take place in Latin America and Africa beginning in 2018.

60. Tackling illicit financial flows will require strengthening existing institutions and greater enforcement of current laws, as well as the development of new policies and practices. The innovative use of new technologies may also be helpful. Many of the tax transparency reforms being put forward by the Group of 20 and introduced internationally will be relevant for tracking and stopping illicit financial flows. In particular, strengthened beneficial ownership registries and mechanisms to share that information will be critical to penetrating the trusts, shell corporations and other financial vehicles used to hide illicit financial flows and their resulting assets, while automatic exchange of financial account information seeks to incentivize the disclosure of offshore financial wealth. Country-by-country reporting from transnational corporations can help to expose and reduce tax evasion. While considerable progress has been made by OECD and the Group of 20 regarding some aspects of illicit financial flows, lower-income countries, which often do not have sufficient capacities and institutional frameworks, are generally excluded from the solutions. The Addis Ababa Action Agenda emphasizes that efforts in international tax cooperation should be universal in approach and scope and should fully take into account the different needs and capacities of all countries.

Women's participation in the economy

61. Member States have repeatedly emphasized that women's equal access to and opportunities for participation and leadership in the economy are crucial to the realization of women's human rights and sustainable development. Approximately one third of the world's formal sector enterprises are owned and operated by women, but enterprise survey data are only updated in a handful of countries each year, making global trends difficult to detect. Women entrepreneurs tend to experience far more difficulties than men in starting and expanding their businesses, which can be

[40] Several additional areas of concern that Member States identified in General Assembly resolution 72/203 are grouped under this heading.

[41] Annette Alstadsæter, Niels Johannesen and Gabriel Zucman, "Who owns the wealth in tax havens? Macro evidence and implications for global inequality", National Bureau of Economic Research Working Paper No. 23772 (September 2017).

linked to laws that have a differential impact on men and women, for example with regard to land ownership and inheritance, as well as cultural norms and social attitudes. In 2017, women held 17.3 per cent of seats on corporate boards globally, up from 15.8 per cent in 2016, with gains in both developed and developing countries.[42] The International Labour Organization has found little change in the likelihood that women are classified as "employers". Female employers account for only 1.7 per cent of total female employment, compared to 4 per cent among men.[43] A major contributing factor to gender inequality in labour force participation is the unequal distribution of unpaid work between women and men, with women's time spent on unpaid domestic work and caregiving at home almost triple that of men, according to survey data from 83 countries and areas.[44]

International investment agreements

62. While foreign direct investment remains a more stable form of cross-border financial flows, international investment agreements, which are meant to support foreign investment, often result in unintended consequences, such as constraining regulations that support sustainable development when the regulations impact investor profits. Some countries have become vulnerable to large financial penalties from arbitration panels set up to settle investor-State disputes, impeding their ability to implement policies in support of the Sustainable Development Goals. Investment treaty-making has now reached a turning point. The year 2017 saw the lowest number of new international investment agreements since 1983, signalling a period of reflection on and review of international investment policies. For the first time, the number of effective treaty terminations outpaced the number of new international investment agreements concluded.[45]

63. Global progress on international investment agreement reform was reviewed at the annual high-level conference on international investment agreements organized by UNCTAD, which took place in October 2017. Highlights of modern treaty-making include a sustainable development orientation, preservation of regulatory space and improvements to or omissions of investor-State dispute settlement. As Member States reform outdated international investment agreements, policymakers and negotiators should carefully consider formulating comprehensive international investment agreement policies aligned with their national development strategies. This coherence should extend into a new phase of reform to address the coherence of international investment agreements with other legal frameworks, including both domestic law and international legal frameworks, such as commitments under the World Trade Organization or double taxation treaties. As private investors increase their investment in the Sustainable Development Goals, it is imperative that the underpinning legal environment is supportive of sustainable development.

E. Governance reform

64. The Addis Ababa Action Agenda emphasizes the importance of coherent and consistent international financial and monetary and trading systems in support of development. To achieve the Sustainable Development Goals, Member States must

[42] MSCI, *Women on boards: progress report 2017* (2017). Available at www.msci.com/www/research-paper/women-on-boards-progress-report/0806530251.

[43] International Labour Organization, *World Employment Social Outlook: Trends for Women 2018* (Geneva, 2018).

[44] Global SDG Indicators Database.

[45] UNCTAD, *World Investment Report 2018: Investment and New Industrial Policies* (Geneva, 2018).

not only increase financing, but also put in place fit-for-purpose national and international institutions.

65. In the Addis Ababa Action Agenda, the Heads of State and Government and High Representatives recommitted themselves to broadening and strengthening the voice and participation of developing countries in international economic decision-making. They also reiterated their commitment to further governance reform in both IMF and the World Bank. In April 2018, World Bank shareholders came to an agreement on reforms to the Bank's voting rights, which is expected to be formally adopted in October 2018. The package of reforms includes a selective capital increase and efforts to better leverage the Bank's balance sheet. The reforms are expected to see the voting power of countries in developing regions at the Bank's non-concessional lending arm grow from 39.7 per cent to 40.5 per cent, with the largest gains for Asian countries, which stand to see their voting rights increase from 29.2 per cent to 30.2 per cent. China will see its voting rights increase from 4.4 per cent to 5.7 per cent. Similar changes are expected at the International Finance Corporation, with developing countries moving from 35.7 per cent of voting rights to 36.5 per cent of voting rights.

66. The IMF Board of Governors agreed in December 2016 to work towards completing the fifteenth General Review of Quotas, including a new quota formula, by the 2019 Spring Meetings and no later than the 2019 Annual Meetings. The Executive Board submitted progress reports on the fifteenth General Review to the IMF Board of Governors in October 2017 and April 2018.

67. To address impediments to further reform of global institutions, in April 2017 the Group of 20 established an Eminent Persons Group on Global Financial Governance, which will conduct a high-level review of the challenges and opportunities facing the international monetary system and global financial governance, including mandates, coherence, transparency and accountability of international financial institutions. The recommendations of the Eminent Persons Group overlap with many of the issues discussed in the present report.

68. The Eminent Persons Group published updates in 2017 and 2018, referencing implementation of the 2030 Agenda as a motivation. The first update highlighted an irreversible trend towards multipolarity and an environment of constrained public balance sheets, crisis legacies and challenging domestic socioeconomic realities, with diminished trust in institutions.[46] The second update suggested that the multilateral development banks should increase collaboration among themselves and place a greater focus on achieving development impact. It also recognized that there is no internationally agreed framework for assessing and mitigating excessive volatility of capital flows and exchange rates, and made recommendations for strengthening the global financial safety net and financial surveillance. The Eminent Persons Group called for greater clarity regarding the division of responsibilities among the United Nations, international financial institutions and other actors in relation to addressing global challenges, but did not specify any division of labour. It also suggested that the Group of 20 should remain the driving force of global governance through the setting of multi-year strategic agendas, despite the fact that it does not have universal membership and is not legally constituted to deliver on decisions.[47] The Eminent Persons Group will present its final conclusions in October 2018.

[46] www.bundesfinanzministerium.de/Content/EN/Downloads/G20-Wash-okt-International-Financial-Architecture.pdf?__blob=publicationFile&v=1.

[47] g20.org/sites/default/files/media/epg_chairs_update_for_the_g20_fmcgbs_meeting_in_buenos_aires_march_2018.pdf.

IV. Conclusions

69. Strengthened international cooperation is critical to ensuring a stable and sustainable financial system. Achieving the Sustainable Development Goals will require financial stability and sustainability. There is a clear and pressing need to reorient the financial system, through policies and regulation, to support the broader aims of financing sustainable development in a stable manner.

70. Developing countries remain exposed to sudden changes in financial market sentiment and the volatility of private flows. Nationally, sound macroeconomic policies oriented towards achieving the Sustainable Development Goals need to be complemented by effective financial regulation, macroprudential measures and capital account management. Measures to better align financial markets with long-term sustainable investment can also reduce the volatility of capital flows.

71. National policies need to be supported by an international enabling environment. International cooperation is essential in order to reform the international monetary system and the global financial safety net, as well as to better align international public finance institutions with the Sustainable Development Goals. Greater macroeconomic policy coordination will be especially important as the world moves by default to a multicurrency reserve system.

72. The implementation, supervision and enforcement of other regulatory initiatives remain crucial. Such initiatives include work to align reporting and accounting standards and credit ratings with sustainable development, using progress in the area of climate to inform other efforts.

73. Member States have recognized that reforming the financial system is necessary but not sufficient; additional areas for action include the fight against illicit financial flows, the reform of international investment agreements, and women's empowerment and the mainstreaming of gender equality.

74. Ultimately, global economic governance structures should evolve to be fit for a new era. Creating more equitable governance arrangements and using the relevant forums provided by the United Nations for international economic decision-making will help to advance efforts to align the international financial system with the 2030 Agenda.